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JOHNSTON OF WARRISTON

BY : WILLIAM MORISON



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JOHNSTON OF WARRISTON

BY
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TO THE MEMORY
OF
WILLIAM SYME MACKIE

*VESTRI NUNQUAM MEMINISSE
PIGEBIT*

P R E F A C E

IT is a matter of surprise to me that the life and work of one who took such an influential part as Warriston in the public affairs of so important a period in our history have remained so long without separate treatment. The present volume is an attempt to fill this gap in our national biography. If I have allowed the historical part of my subject to overbalance the biographical, the reason is that Warriston's character is almost entirely shown and the interest of his life almost exclusively found in his public acts.

I need not enumerate my sources—they are all well known to students of the period of which I have written. The most recent of these is the *Fragment of the Diary of Sir Archibald Johnston, Lord Warriston, May 21st—June 25th, 1639*, printed in 1896 by the Scottish History Society, and edited with Introduction and notes by George Morison Paul, M.A., F.S.A. Scot. This publication has thrown open an incomparable source of information regarding the brief but critical period which it covers. I desire to acknowledge my indebtedness to the Editor for so interesting a historical relic from the pen of Warriston, as well as for much valuable biographical material

supplied in his Introduction. I may also say in regard to another source, which Carlyle in his *Cromwell's Letters and Speeches* commends to anyone who might write on Warriston, viz., Hailes' *Memorials and Letters*, vol. ii., that I have given all in that volume that is relevant to my subject.

EDINBURGH,
May 1901.

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‘Archibald Johnston of Warriston; . . . a Lord Register of whom all the world has heard. The redactor of the Covenanters’ protests, in 1637 and onwards; redactor, perhaps, of the Covenant itself; canny, lynx-eyed lawyer, and austere Presbyterian zealot; full of fire, of heavy energy and gloom: in fact, a very notable character;—of whom our Scotch friends might do well to give us farther elucidations.’—CARLYLE’S *Oliver Cromwell’s Letters and Speeches*.

JOHNSTON OF WARRISTON

CHAPTER I

INTRODUCTORY

WE may justly claim for Sir Archibald Johnston, Lord Warriston, a place in the front rank of those Scottish patriots who, by their resistance to the absolutism of Charles I., saved the liberties of their own nation and largely helped to secure those of the whole kingdom. He did not reach the stature of the most eminent men who took part in what was virtually the same struggle under the two previous monarchs. He did not, like Knox and Melville, focus in his own life the history of his age. He lacked their commanding genius and personal magnetism. Nor had he the same vantage-ground for captivating the heart of the nation. Knox had the pulpit and Melville the floor of the Assembly : Warriston's services to liberty were rendered for the most part in the inconspicuous labours of committees of Church and State. Neither has his career that melodramatic interest which attaches to many of his contemporaries who, as regards all high and honourable qualities of character, are not worthy to be named with him. A dashing soldier and brilliant renegade like Montrose makes a purple patch on the page of history beside which the figure of the ecclesiastical and constitutional lawyer, supreme though he was in his own sphere, is but a dull grey. But when all deductions have been made, Warriston remains

one of the most notable men of a remarkable time. As the Clerk and legal adviser of the Scottish Church, and as the secretary of the principal committees of the Parliament, in one of the most troubled periods of our history, he served the cause of liberty from early manhood to the close of life with an ability and a loyalty that won for him the confidence of all his associates. No one did more to organise the national party, to shape its policy and guide its counsels. There was none who toiled for it with greater constancy, with firmer resolution, with more capacity, or with a purer devotion. He risked all that is dear in life in its interests, and in the end he paid the penalty of his patriotism on the scaffold. The story of his last days is one of the most pathetic of a tragic time. With a mean vindictiveness which even the Stuarts never surpassed, he was hunted down on the Continent, to which he had escaped at the Restoration, and brought home, his strength exhausted by his excessive labours and the anxieties of his months of exile, to receive his death-sentence for treason at the bar of Parliament. Scarcely a quarter of a century after his execution, his son-in-law, the noble Jerviswood, was also brought to the scaffold. Twice had his wife and children to pass through the horrors and bear the anguish of so dread a parting with those to whom they were united by the tenderest ties. Warriston and his house contributed nobly to the price in blood and tears which Scotland paid for her liberty.

There is one respect in which Warriston was a pre-eminently representative Scot. To him the religious interest was the deepest, and the Church the prime institution of the nation. If he appear to many to have exaggerated the value of the Presbyterian constitution of the Church—for there was never even among the Scottish people one more passionately attached to it—all must honour him for the sacrifices he made to preserve it, and acknowledge the splendid fruit which his sufferings and those of his compatriots bore in history. The immediate object of the Covenanters may have been narrow, but their sincere and honourable purpose, work-

ing along the lines of a larger providence than they knew, turned the good which they sought primarily for their own Church and nation into a mighty reinforcement of the cause of liberty all time through and all the world over.

CHAPTER II

FAMILY STOCK

WARRISTON sprang from the Johnstons of Annandale—an unlikely race, we would say, to produce a Covenanter, if we did not remember in what new directions inherited force of character may break out. The first of his ancestors of whom we have any knowledge was Gavin Johnston, tenant of the Kirkton of Kirkpatrick-Juxta, three miles to the south-west of Moffat, who died in 1555. His heir was James Johnston, tenant of Middlegill—a farm a few miles north of the Kirkton in Evan Water. The next in succession, and James Johnston of Middlegill's son, was James Johnston of Beirholm, near the Kirkton, who died December 1622. This James Johnston's brother, Archibald Johnston, was Warriston's grandfather. He left Annandale¹ and settled as a merchant in Edinburgh, where he prospered and amassed a large fortune. His marriage to Rachel Arnot, daughter of Sir John Arnot of Birswick, Lord Provost of Edinburgh 1587–1589, a Member of the Privy Council and Treasurer Depute of the Kingdom, shows that he early made for himself a good position in the city. Through his father-in-law he more than once procured the personal influence of James VI. in furtherance of his business interests. On 22nd April 1589 the King wrote to Archibald Douglas, thanking him for services rendered to ‘the son-in-law of the Lord Provost of

¹ That Archibald Johnston retained a kindly feeling for his native parish is shown by one of the provisions of his will, in which he left a sum of 100 merks ‘to help the repairing and completing of ye kirk callit Kirkpatrick-Juxta, where my predecessoris’ bones lye.’

Edinburgh'; and on 31st May 1595 he conferred a still more distinguished favour on this Edinburgh merchant by writing to Queen Elizabeth on his behalf in connection with a suit in which Johnston was engaged before the English Council. Archibald Johnston's wife, Rachel Arnot, who lived till 1626, was a staunch Presbyterian, and from her Warriston inherited his love of the Kirk. Bishop Burnet, who was her great-grandson, writes: 'Bruce [Robert Bruce, minister of Edinburgh] was concealed in her house for some years; and they all [the Presbyterian ministers] found such advantage in their submission to her, that she was counted for many years the chief support of her party. My father, marrying her eldest grandchild, saw a great way into all the methods of the Puritans.'¹ It was in her house at the Sciennes that, in 1621, when the 'Black Parliament' met to ratify the *Five Articles of Perth*, the ministers who had been commanded to leave the city for refusing to conform to the Articles, met and spent the day in prayer.² Two years before this, one of her sons-in-law, Sir James Skene of Curriehill, President of the Court of Session, had failed to appear in the Kirk of Edinburgh on Easter Day to receive the Communion kneeling, in accordance with the Articles, and his absence was ascribed to the influence of his mother-in-law and his wife.³ Her daughter Rachel, wife of Sir William Bruce of Stenhouse, also shared her mother's attachment to the Kirk, and the eldest son of Lady Bruce was a ruling elder in James Guthrie's Remonstrant Presbytery.⁴ Her granddaughter, Bishop Burnet's mother, was as devoted a Presbyterian. 'She was bred to her brother Warriston's principles and could never be moved from them.'⁵ Though her husband, Robert Burnet of Crimond, afterwards Lord Crimond of the Court of Session, was an Episcopalian, James Guthrie lay concealed for some time in her house. A story conclusive as to her Presbyterian zeal has been preserved in Lord Hailes'

¹ Burnet's *History of His Own Time*, i. p. 31.

² Kirkton, p. 16.

³ Kirkton, p. 16.

⁴ Calderwood, viii. p. 38.

⁵ Burnet's *History of His Own Time*, i. p. 434.

*Memorials and Letters.*¹ While her son, Bishop Burnet, was minister of Saltoun, he was seized with a violent fever, and during the delirium attending it imagined that he was to entertain Sharp, Archbishop of St. Andrews. ‘Where shall we find a place for the Archbishop?’ cried he. The old lady, forgetful of her son’s condition, answered, ‘Do not let that disturb you, my dear; we will find a place for him—in the hottest corner of hell.’

Archibald Johnston and Rachel Arnot had five children—three sons and two daughters. The eldest, James Johnston, was Warriston’s father. He also was a merchant in Edinburgh. His wife, Warriston’s mother, was Elizabeth Craig, daughter of Sir Thomas Craig of Riccarton, author of a famous work on Feudal Law, and one of the greatest jurists of his day. Thomas Craig was related to John Craig, Knox’s colleague, and when completing his studies for the Bar, placed himself under his superintendence, and through his influence renounced the old religion and became a zealous Protestant. He was much employed by the Church as a legal adviser, and was one of the counsel for the six ministers who were tried in 1616 on a charge of treason for holding the Aberdeen Assembly. On his mother’s side, therefore, as well as on his father’s, Warriston was come of sound Presbyterian stock; and it was through her he inherited his interest and capacity in law.

Warriston was born in 1611. We have no account of his early years. On leaving school, he became a student of Glasgow University, in whose matriculation lists his name appears, on his entrance to the higher classes in 1630. Robert Baillie, who afterwards became Principal, was one of the Regents at this time: and it was Warriston’s relationship, through his mother, with Baillie that attracted him to Glasgow. Baillie speaks of the friendship professed by Warriston to himself constantly ‘since he was a child and my schollar.’

Warriston passed for the Bar on 6th November 1633. About the same time he married Helen Morison, daughter of Sir Alexander Hay of Forester Seat—one of the Senators of

¹ Vol. ii. p. 75.

the College of Justice—and granddaughter of Sir John Skene of Curriehill, Lord Clerk Register and one of the Octavians. A provision under the will of his grandfather, Archibald Johnston, who survived Warriston's father, made him independent of his profession. It gave him 21,000 merks in life-rent, with certain houses and heritages in Edinburgh. In 1636, along with his mother and his wife, he obtained a charter for the lands from which he derived his title, the grantor being his brother-in-law, Alexander Hay, whose father had bought them in 1620. The property is in the parish of Currie, and adjoins Warriston's maternal grandfather's estate of Riccarton. It now belongs to the Earl of Morton, to whose predecessors it was sold in 1681.

The details we have given of Warriston's family and social standing show that few of his contemporaries were more favoured in these respects. His intellectual endowments and capacity for affairs fitted him to make the fullest use of his inherited advantages, so that if he had sought only power and wealth he had an open road to both. But from the first he threw himself into the service of the Kirk, and perilled everything, and finally lost everything, save his honour and good name, for its sake.

CHAPTER III

THE LETTING OUT OF WATERS : LAUD'S SERVICE BOOK

WARRISTON had not passed for the Bar more than two or three years when the struggle between Charles I. and the Scots began ; but young and inexperienced as he was, he had already so impressed the Presbyterian leaders with his knowledge of ecclesiastical and constitutional law, his attachment to the principles for which they were contending, and his trustworthy personal character, that he at once became their principal legal adviser ; and he retained that office with undiminished respect to the close of his life.

It was in the months succeeding that most historic of Scottish Sabbaths—23rd July 1637—when the indignation of the people against Laud's liturgy burst out in the riot at St. Giles', that Warriston became prominent in public affairs. In these months the entire nation rose to obtain relief not merely from the liturgy, but from the incubus of the whole Episcopal system. From that time it was impossible for either the King or the people to rest in half-measures, and the controversy became one which could only take end in complete Episcopacy or none. Never did a sovereign more evidently put his crown to peril than Charles when he invaded what the Scottish nation regarded as the inmost sanctuary of its liberty ; he was thrusting a thorn into its eye. Never did tyranny show itself more bereft of skill than when he put 'little Laud' into the saddle to break in a people of such mettle to a hated fashion in religion. The resistance his father's ecclesiastical policy in Scotland had encountered at every step might

have taught him the need of caution in pursuing it to its conclusion. Those who knew the temper of the country were amazed at his rashness. ‘Ar we so modest spirits’—so one of the mildest of Scots wrote at the time—‘and ar we so towardly handlit in this matter that there is apeirance we will imbrace in a clap such a masse of novelties?’¹

A great part of the pathos of the situation lay in the fact that the Scottish people were almost as anxious not to humiliate the King by their resistance to his authority as they were to save their own dearest liberties. Again and again in the course of the struggle now beginning, they refused to attach to Charles the odium of his own policy, and imputed it to the influence of the evil counsellors by whom he was surrounded. But as often as they did so he stoutly disclaimed their apology for the acts of his Government, and in the matter of the Service Book he boasted that it had all passed through his own hands and received his warm approval. Had he foreseen what a Pandora-box it would be when it was opened, and what calamities it would bring on himself and his house, he would have said with Prospero—

‘. . . deeper than did ever plummet sound
I'll drown my book.’

It was said that copies of a first edition of the liturgy, which was withdrawn, reached Edinburgh and fell into the hands of the shopkeepers, by whom they were used as wrappage for their parcels. A fitter end this—so the people of Scotland thought—for such a symbol and instrument of tyranny than to be used in the services of a religion whose very genius is freedom!

The news of the riot in St. Giles’ and the revolt against the Service Book throughout the whole country took the Court in London with such surprise as makes easily credible to us Clarendon’s account of the ignorance and indifference in regard to Scottish affairs, alike of the English Government and the English people: ‘The truth is, there was so little curiosity either in the Court or in the

¹ Baillie’s *Letters*, i. p. 1.

country to know anything of Scotland or what was done there, that when the whole nation was solicitous to know what passed weekly in Germany and Poland and all other parts of Europe, no man ever enquired what was doing in Scotland, nor had that kingdom a place or mention of one page of any gazette.¹ For some time to come England was to have an ear for little else but Scotch news !

¹ Clarendon's *History*, i. p. 110.

CHAPTER IV

FIRST STAGE OF THE STRUGGLE: SUPPLICATIONS AND PROTESTATIONS: THE TABLES

THE instructions which the King despatched to the Scottish Council on receiving the report of the events of 23rd July, showed that he had no perception of the strength of the agitation which had broken out in the country. The Council was enjoined to discover and prosecute the authors of the riot, and to support the clergy in the use of the liturgy. It was easy for the King to give orders, at the distance of London, to extinguish the fire he had kindled: even the rashest and most superserviceable of his officials on the spot could do nothing to extinguish it. Charles acted in the first instance as though he had been suppressing a local disturbance of the peace; but as the posts which ran daily between the Council in Edinburgh and the Court brought him news of the spread of the revolt against the Service Book throughout the kingdom, and alike among high and low, gentle and simple, it was gradually brought home to him that he had wounded the deepest and holiest feelings of his Scottish subjects, and provoked a struggle with the conscience-power of a whole nation.

It had long been the custom of the Scots, in seeking relief from oppressive Acts of the Crown, to proceed by way of supplication and protestation—the latter being a formal refusal to recognise any Act against which it was made as having legal force.¹ It was by these two familiar

¹ In Rothes' *Relations*, a protestation is described as 'the most ordinary and humble and legal way to obviate any prejudice [that] may redound to any legal act, and preserving our right, permitted to the

methods that, in the first instance, the nation now fought its battle with the King. During the weeks immediately following the introduction of the Service Book petitions to the Privy Council were drawn up by all sections of the nation—by nobles and barons—by burghs and parishes—by the ministers and their congregations. As time wore on and the Crown gave no sign of yielding, these grew in volume and boldness. On 20th September the petitioners flocked to Edinburgh and made an imposing demonstration of their strength by marching in a body to the Council House to present their supplications. The Duke of Lennox, the King's cousin, was in Scotland at the time and witnessed the demonstration, and on returning to London he took with him all the documents to lay them before Charles. Some three weeks afterwards information reached Edinburgh that the King's answer to the petitions would be published there on 17th October. It had been communicated to Warriston by friends at Court, who all through the course of the struggle supplied him with timely warnings of every fresh step in the King's policy. Warriston at once despatched messengers to every part of the country, summoning the principal petitioners to repair to Edinburgh to receive the King's reply and take such measures as it might render necessary; and with such alacrity was the call obeyed, that on the appointed day the leaders on the popular side of every rank and from every district had assembled within the capital. The King's answer showed that the petitions had failed to turn him from his policy or to undeceive him as to his power to carry it through and suppress the agitation. It was published in the form of three proclamations: one dispensing with the functions of the Council in ecclesiastical affairs and commanding all strangers to leave the city within twenty-four hours on pain of banishment; another removing the seat of the Council and Law Courts from Edinburgh; and the third condemning a

meanest subjects, in the highest Courts of Assembly or Parliament, wheresoever they are not fully heard, or being heard are grieved by any iniquity in the sentence, which is grounded on the law of nature and nations.'

book just published by George Gillespie against the *English Popish Ceremonies* obtruded on the Church, which was being eagerly read by the people. The petitioners had gathered at the Cross with a large number of the citizens of every class to hear the proclamations, which were no sooner ended than the crowd gave emphatic expression to their exasperation. The Bishop of Galloway, who happened at the moment to be making his way up the High Street to the Council Room, was mobbed and chased to the steps of the building. The populace surrounded the entrance with the evident purpose of venting their indignation on the members of the obnoxious body when the Council should break up. On Traquair, the Lord Treasurer, learning what had occurred, he resolved to go to the City Chambers and appeal to the magistrates for protection. He succeeded in reaching the Chambers without injury, but on his way back was roughly handled by the crowd. The magistrates, who were in ill favour with the citizens at the time, owing to their having withheld their subscriptions from the petitions sent in by the burghers, had no influence with the people, and it was only when some of the leading men among the petitioners themselves interposed that the siege of the Council House was raised.

The King had proved obstinate, but he found now, as he was to find frequently in the course of these events, that this was not an exclusively royal virtue. When the excitement of the day was over, the petitioners held a consultation and drew up a joint remonstrance, in which they used more boldness than they had yet done in fixing on the bishops the blame of all the recent mischief, and demanded their exclusion from the Council. The document was sent in to the Council bearing the signatures of 'twenty-four nobles, several hundred gentlemen of the shires, some hundreds of merchants and most of the burghers.'

In the middle of November the petitioners reassembled in Edinburgh, a rumour having arisen that the King's answer to their last remonstrance would be published about that date. In this they were disappointed; but before they left the city they adopted a measure which proved so

advantageous to their cause that it made their meeting at this time memorable. Hitherto they had come together and approached the Council as a miscellaneous crowd, each man representing his local constituency, and bearing a separate supplication. Now they formed permanent committees, to whose hands the conduct of all the business was entrusted. These were the four Tables, as they were called : the first composed of all the nobles ; the second, of representatives of the counties ; the third, of representatives of the presbyteries ; and the fourth, of representatives of the burghers. A Central Table, made up of four representatives from each of the separate Tables, was to sit constantly in Edinburgh and conduct all negotiations with the Council. This organisation of the popular forces played a great part in shaping the history of the period and in bringing the national will to bear with effect upon the Government. At its inception it was rather welcomed than resented by the members of the Council, as a means of saving them from such direct and disagreeable encounters with the masses of the people as that which they had experienced the previous month. Had they been able to foresee what a formidable rival it would prove to the authority of the Government, they would have regarded its formation with different feelings. Once established with their concurrence, it had to be recognised as a regular body within the State, whose function was to carry on a constitutional opposition to the Government.

Of the Central Table, Warriston was appointed Clerk. Such an important office could only have been entrusted to one who was deeply committed to the popular cause, and who had given conclusive proof of his skill in affairs. We have given one instance of the good service he rendered to his party in acquainting them with the substance of the King's forthcoming proclamations, and there can be little doubt that in the drawing up of the principal supplications —of those which came from the capital and which had claims to be recognised as national in the weight which they carried—he had a large hand.

Early in December another proclamation was issued by

the King at Linlithgow, in which he showed, by his apologetic references to his delay in answering the petitioners, that he was beginning to apprehend their strength, but in which he gave no promise of granting what they asked. The representatives of the Tables now took the strongest step they had yet taken in the controversy. Appearing at a meeting of the Council, which had adjourned to Dalkeith, they gave in a declinature of the authority of the bishops as members of that body, and demanded its abrogation. It was an ultimatum to the King, that he must choose between the bishops and the nation.

The Council reported the action of the Tables to the King and asked for fresh instructions. In February 1638, Traquair, the Lord Treasurer, and Roxburgh, the Privy Seal, came down from London to Edinburgh bearing a proclamation in which the King still threw his shield over the bishops. On their arrival in the city they gave it out that they had received no commands in regard to the matter at issue between the Council and the Tables, their object being to keep the proclamation a secret up to the last moment, and so to prevent any protestation being made against it. They were defeated, however, in their design, Warriston having, through friends in London, not only learned that a fresh proclamation was to be made, but having also procured a duplicate of it. When the two Councillors found that their secret was out, they resolved to set off at once for Stirling and to issue the Royal message there. But again they were outwitted. A servant of one of the lords of the Tables—Lord Lindsay—meeting a footman of Traquair in a tavern on the evening before they left the city, was told by him that the Lord Treasurer was to take horse for Stirling a little after midnight, and he immediately went off with the information to his master. Lindsay at once saddled and bridled, having sent word to Lord Home to accompany him, and the two outrode Traquair and Roxburgh; so that when the proclamation was made they were able to produce the protestation which they had prepared beforehand, and to read it in the presence of a large body of supporters. Two days later the proclamation was repeated

at the Cross of Edinburgh, when Warriston, accompanied by sixteen noblemen and a large number of citizens, stood up on an improvised platform and read out in ringing accents another protestation. The reading of the proclamation was punctuated by the jeers of the crowd gathered round the Cross, and the officers of the Crown were compelled to wait and listen to Warriston's counterblast.

CHAPTER V

THE NATIONAL COVENANT

THE methods by which the Tables had hitherto conducted the struggle with the Crown were now superseded by a more powerful engine. The conception of the National Covenant was due to Warriston and Alexander Henderson, and it was framed between them. It consisted of three portions. The first was a copy of the National Covenant of 1580; the second was a recapitulation of all the Acts of Parliament condemning Popery and confirming the liberties of the Church; and the third was a protest against the innovations which had provoked the present troubles. The second portion was executed by Warriston, and the third by Henderson. It was Warriston who read the Covenant to the vast multitude who assembled in Greyfriars' Church-yard, 28th February 1638, to adopt it and attach their signatures. There is no name that is more closely identified than his with that august symbol of the national will.

It is not necessary to dwell on the effect of the Covenant on the country, as no part of our history is better known. All the shires signed, and all the towns, except Aberdeen St. Andrews and Crail. Of noblemen, not Papists or Privy Councillors, all but five signed it. Copies were circulated throughout the land, and everywhere they were eagerly subscribed by all sections of the people. The pulpits rang with exhortations to rally round the standard that had been set up, and even the most zealous of the ministers could not complain of the response made by their flocks. Where the Covenant was read at the close of worship the whole congregation, men, women, and children, rose and

held up their hands to signify their adhesion to it. So great was the rush on the churches of the leading ministers in the cities that many of the women, to secure a place, took possession of their seats on the Saturday night, and at communion seasons, as early as the Friday !

No more potent instrument for protecting itself from tyranny was ever devised by a nation. It brought the resolution of the people to a white heat and welded them into such a unity that all the power of the Crown could not avail to break or bend it. If evidence were needed of the passion roused by the Covenant, it could be supplied as readily from the testimony of its opponents as from that of the Covenanters themselves. In a letter of Mr. David Mitchell of Edinburgh, afterwards Bishop of Aberdeen, to Dr. John Leslie, Bishop of Raphoe, we have the means of learning how the agitation was regarded by the Episcopalian clergy :—

‘The greater part of the kingdom have subscribed, and the rest are daily subscribing the Covenant. It is the oath of the King’s house 1580, with strange additions, a mutual combination for resistance of all novations in religion, doctrine and discipline and rites of worship that have been brought in since that time : so as if the least of the subscribers be touched, and there be some of them not ten years of age, and some not worth two pence, that all shall concur for their defence, and for the expulsion of all Papists and adversaries—that is, all that will not subscribe—out of the Church and kingdom according to the laws. . . . This goes on apace. The true pastors are brought into Edinburgh to cry out against us wolves ; and they, with our brethren here, Mr. Andrew Ramsay, Mr. Henry Rollock, and your whilom friend, the Principal—crying out that they are neither good Christians nor good subjects that do not subscribe, nay, nor in covenant with God—have made us so odious that we dare not go in the streets. I have been dogged by some gentlemen and followed with many mumbled threatenings behind my back ; and then, when in stairs, swords drawn, and if they had the Papist villain, Oh ! . . . There is nothing expected here but civil war. There is no meeting of the Council : the Chancellor [Spottiswood] may not with safety attend it, nor any bishop : the very name is more odious among old and young than the devil’s.’¹

¹ Hailes’ *Memorials*, ii. p. 35.

Caricature often confirms the impressions left by serious history, and of this we have an instance in a letter written by a partisan of the Government to a friend at Court in April 1638, from which we give an extract :—

'If you saw under what terrible maledictions they bind themselves to the performance of the tenor thereof [the Covenant] you would admire, . . . and if you knew what odd, uncouth, insolent, and ridiculous courses they use to draw in silly ignorant fools, fearful fasards, women and boys, I can hardly say whether it would afford his Majesty more occasion of laughter or anger. . . . You could not have chused but laugh to have seen pipers and candle-makers in our town committed to the town-jail by our zealous Mr. Mayor, and herdsmen and hiremen laid in the stocks, up and down the country, and all for refusing to put their hand to the pen, as a thousand have done who cannot write indeed ; and yet you would have laughed better to have seen the wives in Edinburgh (if *permissu superiorum*, you might have been present thereat) so many of them as could not subscribe (for such as could have done it already indeed at a sermon on a Sunday was a fortnight) hold all up their hands when the Covenant (for so they called it) was read, as soldiers do when they pass muster. In the West country they will give no passenger either meat, drink, or lodging for his money, until he first give them assurance that he is a member of their unchristian Covenant. You will not believe what sums they raise, by way of contribution, for maintenance of their commissioner, clerk, postillions, and other members of state, and yet they are not at the height of their levies. . . .

'This last week hath been the busiest of all others among them ; and they have told those who have stood out (and that by way of threatening) that perhaps hereafter, when they would come in upon their knees, it is a question if they will get quarters ; and divers of them stick not to speak it out, that they are as well friendsted in England as the King himself, albeit we do verily think these are but their accustomed brags : for I am verily persuaded, except it be some private fanatical Puritans, if the braver sort of the malcontents in his Majesty's other dominions were rightly informed of their senseless, insolent fopperies, they would, for very shame, disdain to have any correspondence with such giddy-headed gowks.'¹

The reports which poured in by every post from Scotland

¹ Hailes' *Memorials*, ii. p. 23.

of the ardour with which the country was ablaze in the cause of the Covenant at length brought home to the King and his counsellors the gravity of the situation in which his policy had landed his Government. ‘Whae’s fule noo?’ so Archie Armstrong, the King’s fool, gibed Laud as he was entering the Council one day about this time, and his taunt struck so deep that it cost him his place. What course he was now to pursue with his rebellious Scottish subjects became the all-engrossing problem of the King. However much he might desire to put them down by force, that alternative was meanwhile impracticable. The Episcopalian remnant in Scotland was of no account; nor could he raise an English army at the time that would have been powerful enough for the purpose. His choice lay between a complete surrender to the Covenanters, an honest compromise, or a temporising policy of offering unreal concessions until he had prepared himself for crushing them. The first would have been intolerable to a sovereign of such imperious spirit and one who set such store on the bishops; the second would have been hopeless with a people who were bound by the most solemn oaths to seek the overthrow of Episcopacy, root and branch; and so the King resolved to adopt the third course and send a special Commissioner to Scotland to pacify the nation. The Marquis of Hamilton was selected, and there were many respects in which he was fitted for the mission. He was of the highest rank, being a kinsman of the King and the premier of the Scottish nobles; while a loyal subject, he did not share in the same measure as many of the Royalists Charles’ exalted notion of his own prerogative; though educated in England and resident at the English Court, his family relations with the Covenanters were so intimate—his mother being one of the staunchest in the land, and his sisters having married Covenanting noblemen—that he could hardly fail to regard them with respect if not with sympathy; he was a man of mild and reasonable temper, and of at least respectable ability. But he was not a strong character. He had neither the spirit to carry through the King’s policy nor the manliness to incur his disfavour by discouraging it.

The instructions with which Hamilton was furnished were twofold ;—he was to offer certain concessions, and he was to require the renouncing of the Covenant. These terms were embodied in a Royal Declaration, which he was to publish or withhold at his discretion as he found, in treating with the leaders of the people, whether the terms were such as they would accept. If they were refused he was to protract the negotiations and keep the Covenanters in hand till the King found himself in a position to crush the agitation. He was—in other words—to seek, in the first place, to allay their discontent by a hollow settlement of their grievances, and if that failed, to win time till the King could raise an army to suppress them.

The Commissioner left London in the end of May, and arrived at Dalkeith Palace on 5th June. Four days later he made his entry to the capital by the shore and Leith Links. The occasion was used for an imposing demonstration in favour of the Covenant. ‘Huge multitudes as ever was gathered in that field set themselves in the way : nobles, gentry of all shires, women a world : bot we [the ministers] were most conspicuous in our black cloaks, about five hundred on a brayside on the links our alone [by ourselves] for his sight.’¹

It would have astonished Hamilton had he been told on his arrival that the Covenanting leaders were in the secret of his instructions—that they knew not only the terms he was commissioned to offer, but also the more sinister side of the diplomacy which he had come to undertake. But such was the fact. After the instances we have already met with of the early information with which they were supplied by correspondents at the Court, of the King’s designs, it is no surprise to us that they should have learned the substance of the Royal Declaration. But how did they come to know the rest of Hamilton’s instructions, which, we may be sure, the greatest pains would be taken to conceal—so fatal would they be if divulged, not only to all confidence in the good faith of the King, but to the success of his policy? Was it only a case of suspicion and inference, or had they

¹ Baillie, i. p. 83.

positive information communicated to them? That an invasion of Scotland was suspected by their friends in London we know. One of these writing at the time to *Two Confidants* in Scotland says: 'Wise men here do think that the King is resolved to hold you in all fair and promising ways of treaty until he hath sufficiently fitted himself, by provision both of arms and men, and then you may look for no other language, but what comes from the mouth of the cannon.'¹ From the way, however, in which the matter was referred to afterwards at the Glasgow Assembly, we conclude that the nature of the Commissioner's instructions must have been disclosed by someone about the Court. It was alleged at the time that the secret had been betrayed by certain Scotch grooms of the bedchamber, of whom the chief was Lord Dysart.² In whatever way the Covenanters had obtained the information, it is evident, from an incident which happened on Hamilton's arrival, that the fear of some military stroke on the part of the King had been aroused and that they were on the watch against it. Munition of war had arrived in Leith Roads, destined for Edinburgh Castle, when a blockade was at once made to prevent its conveyance, and Hamilton had to get it taken to Dalkeith.

The Commissioner had not spent many hours in Scotland before he realised that it was in vain to seek a settlement on the terms contained in the Royal Declaration, and he wrote at once to this effect to the King. On 11th June he received Charles' reply, in which the King wrote: 'I give you leave to flatter them with what hopes you please, so you engage me not against my grounds; . . . your chief end being now to win time that they may not be able to commit follies till I am able to suppress them. . . . I will rather die than yield to their impertinent and damnable demands.'³ The negotiations, however, went on as though they had been all *bonâ fide* on the part of the King. Before the Marquis' arrival a paper had been prepared by Warriston and Henderson containing a statement of

¹ Hailes' *Memorials*, ii. p. 43.

² Burton, vi. p. 195.

³ Burnet's *House of Hamilton*, pp. 55-58.

The least that can be asked to settle the Church and Kingdom on a solid and durable peace. It included the withdrawal of the Canons, the Service Book, and the other innovations promoted by Laud, the abolition of the High Court of Commission,¹ and the calling of a free Assembly and a free Parliament. Even the smallest of these concessions Hamilton was bound by his instructions to refuse except with such modification as would make them of no value. Whatever—on all those points—the King in his Declaration gave with one hand, he took away with the other.

The negotiations having come to a deadlock, the Marquis resolved to withhold the Declaration and return to London. He set out on 1st July, but had not gone far on his journey when he turned back. He had received on the way another letter from the King, whom the Commissioner's report of the failure of his mission, and of a threat on the part of the Covenanters that they would hold an Assembly and a Parliament in defiance of the Royal authority, had infuriated. His Majesty wrote: ‘As concerning the explanation of their damnable Covenant, whether it be with or without explanation, I have no more power in Scotland than as a Duke of Venice, which I will die rather than suffer; yet I commend the giving ear to their explanation or anything else to win time.’ He added that he was pleased rather than sorry at the threat that had been made, as it would the more justify any action he would take against the Scots; and then suggested that the Declaration should be published. Hamilton retraced his steps for this purpose. The Declaration was issued at the Cross of Edinburgh on 4th July; and the proclamation was no sooner made than Warriston, who had taken his place, with several supporters at his back, on a scaffold opposite, stood forward and read a protestation drawn up by his own hand.

¹ The Book of Canons had been decreed and published in May 1635. It established the absolute supremacy of the King over the Kirk, and a Popish system of doctrine and discipline. The High Court of Commission had been established in October 1634 for the purpose of giving power to the bishops to enforce the use of the Book of Canons and the Service Book.

The Declaration led to stormy scenes when the Marquis and the Council met with the representatives of the Tables to discuss it, and high words passed. The Covenanting nobles insisted that they had a right from God to keep an Assembly which neither in law nor reason could the King take away from them. ‘Loudon told his Grace roundlie they knew of no other bonds betwixt a king and his subjects bot of religion and lawes : if these were broken, their lives were not dear to them : boasted [intimidated] they would not be—such fears were past with them.’¹ The Marquis was ill supported, even by the members of his own Council. Sir Thomas Hope, the King’s Advocate, made no secret of his sympathy with the Covenanters, and his disappointment with the Declaration ; and a majority of the Council were of the same mind. The feeling in the national party throughout the country was one of the greatest chagrin. ‘We doe all marvele,’ says so moderate a member of it as Baillie, ‘that ever the Commissioner could think to give satisfaction to any living soul by such a declaration.’

Baffled on all hands, the Marquis took his departure for London. In August he returned with fresh instructions, but these proved as futile as the former for the settlement of the country. They bargained for the retention of the bishops and limited the powers of the Assembly. Such terms could not satisfy the national leaders who had struck for the abolition of Episcopacy and the retention of the original polity of the Kirk. Once more Hamilton had to go up to London and report the failure of his mission.

Returning in the middle of September, the Marquis at length brought powers to offer such terms as allowed progress to be made towards a pacification. The innovations which had originated the present troubles were to be cancelled, the High Court of Commission was to be done away with, and a free Assembly and a free Parliament were to be summoned. In the Scottish Council this conciliatory policy brought immense relief, extricating them, as it did, from a situation that had become insupportable. The resolute and sanguine spirit of the Covenanters was shown

¹ Baillie, i. p. 92.

by the qualified satisfaction with which they received the overtures of the King. Hamilton's instructions included an injunction to the Council to subscribe the Covenant of 1580 and to take orders that all the subjects should do the same. Against this injunction the Covenanters made a protestation, which was read by Warriston at the Cross, on the ground that it set up a rival standard to that which had been accepted by the nation, and was calculated only to cause division. The King's Covenant, as it was called, became a dead letter.

CHAPTER VI

THE GLASGOW ASSEMBLY: WARRISTON ELECTED CLERK

AFTER Charles had promised to call an Assembly, he set himself to hamper it with such conditions as should render it harmless. Were it left free, he knew very well that it would undo the entire ecclesiastical policy of his father's reign and his own. He sought to stipulate, before it met, for the abrogation of the Covenant, for the limitation of its powers to the petitioning of Parliament, for the admission of bishops and Constant Moderators,¹ and for the exclusion of lay members from the presbyteries when these Courts came to vote for those who were to represent them in the Supreme Court. It was the last of these conditions Charles was most anxious to secure, knowing as he did that the vote of the lay members would go dead against the bishops. On this point the Covenanters stood firm, and it was resolved that the Assembly should be composed in accordance with the Act of the Dundee Assembly of 7th March 1597, which provided that three ministers and one ruling elder should be sent up from each Presbytery. The other conditions they also resisted successfully, so that they secured a free hand all round.

No more notable General Assembly has been held than that which met in Glasgow Cathedral at the close of 1638. That was indeed an *annus mirabilis* for the Scottish Church. There was no other like it in importance till 1843. This Assembly had momentous consequences for the whole

¹ These had been imposed on the Church by James vi. in 1606, and were spoken of at the time as *the little thieves thrust into the windows to open the doors for the great thieves—the bishops.*

kingdom ; it played a great part among the forces by which England as well as Scotland recovered its liberties from the Stuarts, and the splendid courage of those who carried it through became one of the most inspiring memories in our history. The spirit displayed by its members atoned for the pusillanimity of their predecessors who met in the same city in 1610, and regained from King Charles the rights which were then surrendered to his father.

For a week before the opening of the Assembly, which took place on Wednesday, 21st November, it was evident to all in the city that an occasion of unusual moment was expected. From every direction strangers flocked in and crowded the streets—nobles with their retinues, barons, burgesses, ministers, and a multitude besides of both sexes and of every class. Accommodation could hardly be provided for all who came, and exorbitant prices were paid for rooms. On the Saturday, the Marquis of Hamilton, who had been appointed Lord High Commissioner, arrived, attended by most of the Council ; and he was received at the outskirts by several of the Covenanting nobles, between whom and his Grace much ‘good speech’ was made, and promises of reasonable dealing on both sides.

The place of meeting was one of the most venerable and stately of the religious edifices of Scotland, and its dignity befitted the occasion. The *personnel* of the Assembly included the most notable and representative men in the kingdom—the heads of most of the noble houses, nearly every baron of consequence, the chief burgesses in the country — and the great body of the ministers. The space set apart for non-members was filled by prominent citizens, by young lords and gentlewomen, and by a large number of people from every district interested in the momentous issues that were to be fought out between the Kirk and the Crown. So great were the crowds at the earlier sittings of the Assembly that the members needed the officers of the town guard to clear a way for them to their seats, and even with all their help could scarce ‘thrumble through.’ At one end of the building was the Lord High

Commissioner's throne, the space around it being occupied by the chief of the Council; before him were the chairs and table for the Moderator and the Clerk; the elders sat at a large table running down the centre, and rising in tiers on each side of this table were the seats allotted to the ministers. There never was any doubt as to the men on whom the choice of the Assembly for its two principal offices on this critical occasion would fall. Alexander Henderson, 'incomparabilie the ablest man of us all for all things,' was unanimously elected Moderator; and Warriston, 'to us all a nonsuch for a clerk,' was elected with only one dissenting voice to that office.¹ As great names as Henderson's have been associated with the Chair of the Assembly, but none so great as Warriston's with the Clerks-ship. At the third *sederunt* the newly appointed Clerk furnished the Assembly with a happy omen of the services he was destined to render to it. Thomas Sandilands, Depute Clerk, delivered to the House two registers containing the Acts of the Kirk since 1590, and stated that his father, James Sandilands, the late Clerk, never had more in his possession. Where were the others—those between 1560 and 1590? It was known that King James had ordered Thomas Nicholson, James Sandilands' predecessor, to place all the records in the hands of the Archbishop of St. Andrews; and Rothes rose in the court to urge that the bishops should be ordered to deliver up the minutes that were in their possession. Production of the missing books having been called for by the Moderator, Warriston rose and declared that 'by the good providence of God these books they spake of were come to his hands, which then he produced to all our great joy: Fyne books in folio, four written and subscryved and margined with the known hands of ane Gray and Ritchie, Clerks to the General Assembly, containing the full register from the reformation in the [15]60 year to the year [15]90 where Thomas Sandilands's books began, except some leaves which Bishop Adamsone had riven out: thir ane Winrham, deput to Mr. Thomas Nicolsone, had left to ane Alexander Blair, his successor

¹ Baillie, i. p. 122.

in office, of whom Mr. Archibald [Johnston] had gotten them ; the fifth was ane extract by way of compend from the [15]60 to the [15]90, whereby in a good part Bishop Adamsone's sacrilegious rapine might be restored.' The recovered records, after examination, were declared authentic by the Assembly—the Commissioner protesting, not because he had anything to say against the books, but because the books had so much to say against the bishops ! Their production by the Clerk was hailed as 'ane of the notable passages of God's providence towards our Church . . . thir fourtie years bygone so great a design being in the heart of the Prince and Prelates for covering in perpetuall darkness of our old Assemblies, which crossed their intentions.'¹

This was not the only occasion, as we shall see, when Warriston had the good fortune to recover missing documents of importance.

At the same *sederunt* as that at which he laid the restored minutes on the table of the House, the new Clerk was put to the framing of his first difficult minute, and it did not come so readily to his pen as his friends who were anxious for his reputation could have wished : Baillie thought he was 'to seik' [had lost himself], and pitied him. It was, however, the only occasion on which he stumbled—'he kythed [showed] his wit ever after.'

The first week of the Assembly was occupied with preliminary business, in connection with which many points came up that gave the King's party—the Commissioner and his assessors—and the Presbyterians, who made up the rest of the House—an opportunity to sharpen their weapons and to try their strength before they came to their main encounter. The toughest dispute during this stage of the proceedings was over a claim made on behalf of the bishops to have a protest read against the Assembly going on

¹ Baillie, i. pp. 129 *et seq.* These records perished in the fire which destroyed the Houses of Parliament in 1834. They had been brought to London by order of a Committee of the House of Commons on Patronage in Scotland, at the instance of Principal Lee, who was a witness, and who wished to refer to them. See Burton, vi. p. 227.

with its business till the commissions of the members had been tried. To have yielded this demand would have raised, before the Court was constituted, some of the gravest questions it had been summoned to settle, and have left their decision in the hands of the Commissioner. The bishops' petition was refused, whereupon Hamilton lodged a protest in which he maintained that the refusal would invalidate all the subsequent Acts of the Assembly.

It was on Wednesday, 28th November, that the Court came to address itself to the crucial question of its jurisdiction over the bishops. When the question was put by the Moderator—Was the Assembly judge of the bishops? the Commissioner at once rose and warned the House that he would not allow it to be submitted, and that, if it were, he would dissolve the Assembly. On the Moderator persisting in his course in defiance of the threat from the Throne and putting the question a second time—it was a courageous act, and sufficient, had it stood alone, as evidence of the strength of character we associate with the name of Alexander Henderson—the Commissioner rose again to speak. ‘It was,’ says Baillie, ‘a sad, grave and sorrowful discourse . . . the Commissioner’s last passage; he acted it with tears, and drew by his speech water from many eyes, as I think; well I wot much from mine.’¹ On concluding, the Commissioner discharged the Assembly and left the House; but before he had gone, Rothes handed the Clerk a protest that had been prepared for the emergency, in which it was declared that his withdrawal would not stay the proceedings of the Assembly nor invalidate its Acts. As soon as Hamilton retired, the Moderator put the question to the vote, when it was unanimously carried in the affirmative. Such a direct defiance of the authority of the Crown was one of those daring acts of which individuals have often been found capable, but bodies of citizens seldom, and it proves the truth of Baillie’s observation that the members of the Assembly had been ‘very weel waield [well chosen] for the purpose.’

¹ Baillie, i. p. 131.

The bishops had been affirmed to be subject to the jurisdiction of the Court ; but, before their trial was proceeded with, Acts were passed, declaring all Assemblies held from 1606 onwards to that date to be null and void, and abolishing the recent innovations thrust upon the Church. The Court, in other words, overthrew the whole fabric of Episcopacy that had been built up by Charles i. and James vi., and re-established the Kirk on a purely Presbyterian basis. After these rescissoary Acts had been adopted, the Court passed to the arraignment of the bishops, with the result that of the fourteen, eight were excommunicated, four deposed, and two suspended. There is no doubt that the head and front of their offending was that they were bishops—that they had been guilty of treason to the constitution of the Church. Had they been men of the most unimpeachable character, it would not have saved them from their fate. How far the evil living for which they were also condemned was proved against them, we cannot judge, as we have no published record of the trials. The type of character that marked the Stuart bishops was certainly not a high one. Burnet—himself a prelate—says of Spottiswood, the Primate of this period, that he ‘was a prudent and mild man, but of no great decency in his course of life.’ That they were not Puritans in their conduct need not be said. But there is a long distance between the absence of high virtue and such gross and wanton immorality as some of them, at least, were charged with. In a letter of this date, addressed by Robert Burnet of Crimond to Warriston, who was his brother-in-law, the writer makes a very warm remonstrance on behalf of some of the bishops, and especially of Sydeserf, Bishop of Galloway. He says: ‘I think there was never a more unjust sentence of excommunication than that which was pronounced against some of these bishops, and particularly against this man, since the creation of the world : and I am persuaded that those who did so excommunicate him did rather excommunicate themselves from God than him ; for I have known him these twenty-nine years, and I have never known any wickedness or unconscientious dealing in

him : and I know him to be an learneder and more conscientious man (although I will not purge him of infirmities more than others) than any of those who were his excommunicators.'¹

One of the most notable incidents of the Assembly was the enlistment on the side of the Covenant of one who was its first martyr—the Marquis of Argyle. He attended the meeting by the King's command, as one of the Commissioner's assessors, and up to the day after Hamilton broke with the Assembly, his position was an ambiguous one. He had supported the protest lodged by the bishops against the Court proceeding before the commissions were tried, and had been answered by the Moderator 'cuttilie,' Baillie says, naïvely adding, 'the man [the Moderator] naturally hath a little choler, not yet quite extinguished.' On the day the Commissioner withdrew, he made a speech in which he still left the Court in doubt of his attitude ; but at the next *sederunt* he appeared, and in response to the Moderator, who now addressed him in a very different tone, and entreated him to countenance the proceedings of the Assembly, he rose and avowed himself on the side of the Covenant. His explanation of his tardy declaration of his sympathy was that he had hoped that he might be able to mediate between the King and the Assembly, but that as this was no longer possible he felt bound by his fidelity to God and to his country to cast in his lot with the Church. The accession to their ranks of the most powerful subject in the realm at a moment when they had so distinctly defied the authority of the Crown was hailed by the Covenanters as a great triumph ; and it awoke corresponding resentment on the other side. 'No one thing did confirm us so much as Argyle's presence,' so Baillie expresses the feeling of the Assembly. Hamilton, on the other hand, wrote to the King to warn him that Argyle 'must be well looked to, for it fears me he will prove the dangerousest man in this state.' Argyle's

¹ Hailes' *Memorials*, ii. p. 272. It is only fair to the Assembly to say that no charges affecting his moral character were brought against this bishop.

subsequent career was the best vindication of the integrity of his conduct at this time; whatever might be its blemishes, disloyalty to the Covenant was not one of them.

Among the leaders of the popular cause to whom Argyle now allied himself, Warriston became his most confidential friend. They were men of very different temperaments—Argyle was often as difficult to understand as Warriston was always easy, and was as invariably diplomatic in his dealings as the other was straightforward and transparent; but the two were alike in the main interests of their lives—in their devotion to constitutional liberty in the State and to the Presbyterian government of the Church. Generally, though not always, they agreed in their view of public affairs and stood side by side in the controversies of their time, and at last they were united in the same tragic end and in the better than Roman courage with which they met it.

As one of the first acts of the Assembly was to elect Warriston Clerk, so one of its last was to appoint him also Procurator of the Church.

The Assembly was dissolved on 20th December.

CHAPTER VII

FIRST BISHOPS' WAR : DUNS LAW

THE struggle was now to be carried on, on a new field and with other weapons. As we have seen from his private instructions to Hamilton in midsummer, Charles had been preparing for some time for an invasion of Scotland ; but the difficulties of his government in England made the preparations drag. The Covenanters, who were alive to his designs, had also been preparing ; and their activity presented a great contrast in its effectiveness to the King's. Not many months after the launching of the Covenant, a war committee was formed in every county and a tax was levied on free rents which brought in a sufficient revenue for the national defence. In the early summer ammunition began to be imported from the Continent, and communications were opened with the distinguished soldier who was afterwards called to the chief command of the army, and who played so notable a part in the impending civil war—Alexander Leslie. Leslie's record under Gustavus Adolphus had brought him high repute in his profession ; but he had more than a professional fitness for the position he was destined to fill in his native land. It has not been sufficiently recognised that a very large proportion of our countrymen who fought under the Protestant flag during the Thirty Years' War were no Dugald Dalgetys, hiring themselves to the best paymasters and regardless of the cause for which they used their swords : they were, on the contrary, warm Protestants.¹ Leslie was one of these ; and now that his

¹ There were large levies among the Ross and Sutherland men, and hence the favourite name of *Gustavus* in the North.

services were needed at home in essentially the same interest, he resolved to return and offer them to his country. Before leaving the Continent he enlisted a large number of Scottish officers and soldiers in Sweden and Germany for the Covenanting army, and arranged for the transmission of war material. Baillie pays a just tribute to Leslie and our other 'countrymen sojourns' of that time when he says that to their kindness 'our nation is exceedingly obliged, for, to help their boasted [threatened] mother-church and country, they have deserted their charges abroad to their great losse, which they knew she was never able to make up; they have here, on verie easie and small conditions, attended her service: for fear of their valour our peace has both been quicker and better: the renowne of their kindness and conscience of their desert at the hand of their mother for ever will be their greatest and most glorious recompence.'

In the four months between his appointment to the chief command of the army and the time when he had to take the field, Leslie showed the greatest energy in his preparations. Arms were shipped from Holland, and at home the smithies rang with the manufacture of weapons of war; recruits for the army were enrolled and diligently drilled; and so prompt and effectual were the measures taken to deprive the King of any military footing within Scotland itself, that by the time Charles' army set out for the North, all the principal strongholds of the country had been seized and secured, the fortifications of Leith—so important for the safety of the capital—strengthened, the Huntly rising in the North suppressed, and the Scottish side of the Border cleared of all active allies of the King. The spirit displayed by the nation both in this and in the second 'Bishops' War could not have been more admirable. Every class of the people cheerfully bore its share of the burdens and sacrifices required. 'Every ane, man and woman, encouraged their neighbours,' says Baillie. When the army marched for the Border, it knew that it had the whole nation at its back, and that, whatever it might have to encounter in front, no enemy was left in the country to fall on it from behind.

It was on 26th January 1639 that the Scots got their first public notice of the King's warlike designs. On that day he summoned the English nobility to meet him at York on 1st April, with all the forces at their command, '*to prevent the Scots invading England*' This was to be done by an invasion of Scotland, and on a very extensive scale indeed. Troops were to be landed on the shores of the Clyde and in Argyle; a fleet under the command of Hamilton was to be sent to the Forth; the King with the main army was to advance to the Tweed. It was only within Charles' own breast that there was a zeal commensurate with the programme he had conceived. Hardly a soul in the kingdom beyond Laud and his clergy approved of the war. The great body of the English people sympathised with the Scots in the stand they had made against a new fashion in religion, knowing very well that if they were beaten, Laud would have all the freer hand to carry out innovations amongst themselves. It was notorious that the army itself had no heart in the war. Sir Ralph Verney wrote from the camp to his son: 'I daresay that there was never more unwilling an army brought to fight. This day I spake with an understanding Scottishman and one that is affected to moderate ways. He is confident nothing will satisfy them but taking away all bishops, and I daresay the King will never yielde to that, soe we must be miserable.'¹

The English nobles and the forces they had raised assembled at York in the beginning of April, and were joined by the King according to appointment. While the Court remained in that city, which it did for a whole month, Charles issued a proclamation to the Scots, containing an Act of Oblivion for all who would lay down their arms within eight or nine days, declaring others rebels, and ordering their servants and vassals not to acknowledge them nor pay rents. In May the Royal army marched northwards and encamped at Birks, near Berwick, where the King himself arrived on the 30th. Ten days earlier the Scottish army mustered at Leith Links, and on 21st May Leslie set out with the main body for the Border, marching

¹Verney Papers, p. 241.

by Haddington and Dunbar to Dunglass, where he encamped for a little over a fortnight. On Wednesday, 5th June, he left Dunglass and marched by Oldhamstocks to Duns, where he was joined on the same day by a detachment under the command of Colonel Monro, which had been posted at Kelso. Leslie's position at Duns was well chosen, commanding as it did both roads to Edinburgh, one by Haddington and the other by Soutra. The Scottish camp was on Duns Law—‘the prettie round, rysing in a declivitie without steepness to the height of a bowshot,’ immediately to the north of the town—as it is perfectly described by Baillie. Every reader of Scottish history is familiar with the picturesque passage in one of his letters in which he expatiates with such a glow of patriotic pride on the appearance of ‘our brave and rich hill’ as one cast his eyes ‘athort’ it when the Scottish army lay encamped on its slopes—its level summit garnished with mounted cannon—from base to crown a tented field, every company having flying at its captain’s tent door a brave new colour blazoned with the Scottish arms, and with the legend inscribed upon it in gold—*For Christ’s Crown and Covenant*. The soldiers, mainly young and lusty ploughmen from the West country, were full of spirit. Their officers—most of them nobles and lairds from their own districts—went daily through the regiments and conversed freely with them. The confidence of the army in the ‘old, little, crooked soldier’ at its head was as boundless as if he had been ‘great Solyman’ himself. Several ministers were in the camp, each acting as chaplain to the regiments raised in his own district, and every day of the week there were ‘good sermons and prayers morning and evening under the open roof of heaven.’ The heads of that army did not think their men would fight with less valour if they went to the field with the conviction that the battle was the Lord’s.

Alexander Henderson and Warriston were present at Duns Law in an official capacity. That the Moderator and Clerk of the General Assembly followed the army and sat in the Council of War is significant of the trend of national interests in Scotland since the Reformation. The Kirk has

always been in the centre of her battles. Warriston, we shall see, took an active part in the conduct of affairs, and especially in the negotiations by which the war was concluded without a blow being struck.

For the history of the first Bishops' War, from the date of the arrival of Leslie's army at Dunglass to the conclusion of the peace, we are able to draw on the *Fragment* of Warriston's Diary, mentioned in the Preface. It contains a detailed and graphic account of the progress of hostilities and of the negotiations which ended in the pacification of Berwick ; it describes the vigorous measures taken by the Covenanting leaders and the anxieties that filled their minds till the crisis of the danger was past ; and it supplies us also with a report at first hand of their conference with the King, before they came to a Treaty.

The fortnight intervening between the arrival of the army at Dunglass and its march to Duns Law was a time that made severe demands on the energy of the Commander-in-Chief and the Council of War. The army still needed a considerable reinforcement, especially of horse ; in foot soldiers it outnumbered the King's army, but in cavalry it fell far short of it ;¹ the commissariat was a heavy tax on their resources ; and the order and discipline, where there were so many raw levies, required a great deal of attention. During that fortnight frequent letters of distress were sent from the camp to the Committee in Edinburgh, to all the shires, and to the ministers. These letters are given in the *Diary*, and their vehement and rousing style points to Warriston himself as the scribe. Under date 24th May 1639, the heads of the army wrote : 'The King's army, especially of horsemen, lying now close upon our borders in despyght of all foot companies, may and will assuredly ravage all the country and ryde into the heart of the Kingdome. . . . Let not any man now either linger or think it sufficient to send any unworthy body or a bachling naig [shambling nag] in his stead. But as they love the standing

¹ The Royal army consisted of within a few hundred of 20,000 foot, and over 3000 horse ; the Scots army, of about 22,000 foot and 500 horse.

of God's cause and liberties of the Kirk and Kingdome, let them use extraordinary diligence in this extraordinary exigent to come themselves, and hasten others to come, either w^h carrabeins, hagbutts, pistols, or jacks and lances, or swords and lances, or any other fencible weapon.' This letter was followed within the same week by other two urging the Committee to call up the whole kingdom to arms, to remonstrate with those districts that were disposed to retain their fighting men for their own protection, and give orders for the concentration of the entire strength of the country on the Border, on whose defence the safety of the country depended: 'Stirre up one another, and remember that all your charter-chests are lying at the border, . . . let none stay at home when strangers are hyred for three shillings a week to make us all slaves; they are not worthy to be free-men that would stay at home and neglect their country which is now ready to bleed for their neglect, . . . be not so wanting to yourselves, and be confident that God will send ane outgate to all these difficulties, . . . they have neither Christian nor Scottish hearts who will expose their religion, their countrie, their neighbours and themselves to this present danger without taking part with them and stand out for any respect under Heaven against this warning.' A final appeal, breathing the same resolute spirit and the same incitement to their countrymen, was sent off on the evening before the army quitted Dunglass for Duns: 'All possible advertisements having been given already; the sword was drawne befor, now it is at the throat of religion and libertie if it have not given a deepe wound already. . . . We can say no more, but we resolve under the conduct of our God, to whom we have sworne to goe on without feare and in a lyvlie hope if our countrie men and fellow covenanters equally obligeid with us, shall either withdraw themselves, or come too late, it may be, to the burying of our bodies, which with the cause itself might be safe by their speed horse and foot. Let them answer for it to God.'

While these letters contain strong expressions of disappointment with the nation, it was really all the while

showing the most praiseworthy zeal in supporting the army. The disappointment was not due to the lukewarmness of the country, but to the high temperature which the zeal of those who were at the front and had the greatest responsibility had reached. The people in the district where the army was encamped were ready with their services ; in the towns of East Lothian they were busy baking and brewing for the soldiers ; and all the parishes joined in sending in victuals and supplying horses. Money was freely lent to the Committee in Edinburgh. The spirit of the people cannot be better illustrated than by the reply which the town of Burntisland sent to a letter of the Marquis of Hamilton when his men-of-war were lying in the Forth,¹ in which he promised to stop all disturbance of the shipping trade of the coast towns of Fife on condition that they would yield ‘fitting obedience’ to the King. After a courteous acknowledgment of his Grace’s good intentions and a warm expression of their loyalty to the King, the people in Burntisland wrote : ‘But because the proposition concerneth not only their seafaring men indwellers in this Town, but all those of other port towns in the kingdome, and hath annexed to it some conditions which are so wrapped up in generals y^t they transcend our reach : We humbly begg your Grace’s favour to condescend more speciallie upon these conditiones required of us, and to grant us some short competent tyme for advysing thereupon, that neither we may trench upon our oath to God and our Covenant or be pressed with oathes contrarie to the lawes of our Kirk and Kingdom, nor yet omitt any temporall duetie of civile obedience which we most heartily will deferr to our Gracious Soveraigne.’

The anxious consultations at the Scottish camp and the hopes and fears of those who were responsible for the

¹ Hamilton’s fleet entered the Forth at the beginning of May, but beyond seizing one or two trading vessels, was harmless. He was not allowed to land any of his men. His own mother helped with other ladies in carrying earth and stones to strengthen the fortifications of Leith, and went about ‘armed with a pistol, which she vowed to discharge upon her own son, if he offered to come on shore.’

conduct of the campaign are unveiled in the *Diary*. On 3rd June, Alexander Henderson, David Dickson, Robert Meldrum (Leslie's secretary), and Warriston himself 'bethought and better bethought the whole afternoone upon the present necessities of the armie' and were 'forfoghten' with the consideration of them. On the following day Warriston spent two hours with the General and his secretary in discussing the difficulties of the situation. Leslie 'was extreamly perplexed, was broght low befor God indeid and acknowledged . . . that we had no ground of confidence except in the providence of our God who had led us in thir straites and certainly contrar to all appearance was to lead us out of them, thus the Lord was emptying everie heart and annihilating everie spirit, for to prepare us as we hope to receave some greater subsequent blinks of his power.' When we read such passages we are reminded of the letters and speeches of the great Englishman who was then on the eve of his entrance on public life, so much do they partake of that 'practical mysticism'—as it has been happily described—which was the secret of Cromwell's invincible power on the field of war.

After what has been told of the half-heartedness of the King's forces and of the unity and zeal alike of their own nation and their own army, we may regard the Scottish Council of War as having taken too gloomy a view of the situation. And such is the fact. But we must remember that they did not know the weakness of the invading army, and that they might well reckon that to oppose successfully the strength which the sovereign of England, in even the most unfavourable circumstances, could put upon the field, would strain to the utmost the resources of their own kingdom.

CHAPTER VIII

FIRST BISHOPS' WAR, CONTINUED : THE PACIFICATION OF BERWICK

THE anxious preparations described in the previous chapter were arrested by a new turn in the course of affairs. Not yet were the questions at issue between Charles and his Scottish subjects to come to the arbitrament of the sword. The prelude to the negotiations that led to the disbanding of the two armies was made in two letters of Lord Holland, General of the King's Horse, one addressed to all the Scottish nobles in the camp, and the other to the Marquis of Argyle. His lordship wrote to urge compliance with a proclamation the King had published at Newcastle on 14th May, in which he declared that his object in coming North with his army was 'to give the good people of Scotland all just satisfaction in Parliament, as soone as the present disorder and tumultuous proceidings of some there are quieted,' and promised that if submission were made they need not fear any hostility on his part; but if, on the other hand, the army continued to advance and came within ten miles of the Border, this would be regarded as an invasion of the kingdom of England, and they would be treated as rebels. Holland appealed to the nobles as subjects of his Majesty's 'natural kingdom—having been borne in the bowels of it'—to obey his commands: it was shocking that a sovereign who had 'covered us all under the wings of peace when all other princes have been laid open to the rage and calamities of warre' should be 'faced with an armie in his own kingdom!'

The day after the receipt of Holland's letter—on 20th May—Sir John Hume of Blackadder was despatched to the English camp with the answer of the Covenanters. They regarded his Majesty as the aggressor, and they entreated him to appoint a Conference of 'pryme and well affected men' of both kingdoms to effect a peaceful settlement: meanwhile they would, as he desired, keep their army within the bounds prescribed—such was its tenor. On 30th May, Hume reported his lordship's reply, which was in effect a refusal of the Conference on the part of the King and a renewed demand for the submission of the Covenanters. The King's honour and his reputation in the eyes of all men required that having come so far with his army he should not turn back without having restored his authority in Scotland. If they will obey, he will remit all bygones and come to Edinburgh in a quiet and peaceable way and hold a Parliament for the settlement of all disorder: and seeing they were 'so wilfully bent for matters of religion' though 'the uncleanliness' of their places of worship was an offence to him and he would fain reform them, they would get their will in all these things.

Within a week the King seems to have repented of his rejection of the Scottish proposal and to have used means to suggest the renewal of it. Under date 5th June, Warriston has the following entry in his *Diary*: 'This day the Erle of Hume and Dunfermling spake with the Erle of Mortoun, Dr. Patrick Hammiltoun and Mr. Adam Hebroun spake with the Erle of Haddingtoun, and about eight o'clock Robin Leslie came to the Generall all running to one purpose that we would supplicate the King to appoint ane present conference betwixt some of the English and some of ours, and to entreat the English Council and nobility to assist our Supplication.' Who was this Robin Leslie who joined the Scottish noblemen and gentlemen named in proposing a fresh approach to the King? He was one of the Royal pages; and on consulting another version of this incident by one who was also on the spot we get some elucidation in regard to his part in the business. According to Baillie, he was the originator of the proposal. Coming

over to Duns ostensibly to see old friends in the camp, he had this for his real errand to suggest, at the instance of the King, who had become afraid of the strength of the Scottish army.

The Covenanters had no desire to humiliate the King, and were glad to have the door opened again by his own act for their rejected overtures. Accordingly Lord Dunfermline was sent to the Royal camp with a supplication for a Conference, and at the same time a letter was sent to the English nobility and Council, requesting them to support it. Dunfermline was graciously heard, and the King intimated that he would send an answer by the hands of Sir Edmund Verney, Marshal of the Palace. This was taken as a good omen, Verney being known as ‘a lover of our nation.’ The King’s envoy came to Duns without an hour’s delay and held a Conference with the Scottish nobles. He had been instructed to require that they should publish the Royal proclamation made at Newcastle on the previous month as a condition of the King’s treating with them; but this they refused to do, putting into Verney’s hands their reasons for their refusal. How sufficient these were was proved by a letter of the Marquis of Hamilton to Lord Ogilvy which fell into their hands at this time, in which the writer assures his correspondent that the King was bent on curbing the insolence of the Covenanters. The proclamation was read at the Conference, however, as a matter of business, and Verney, who was anxious for peace, reported to the King that his injunction had been complied with. Thereupon Charles appointed six of the English nobility to meet with representatives of the Scots and hear their desires. The Scottish Commissioners were Rothes, Loudoun, Douglas, Sheriff of Teviotdale, Alexander Henderson, and Warriston. The two last-named did not set out with their colleagues: ‘we had not will to hazard all at once’ was the reason given for their retention. In other words, the Scots had no faith in the King’s word, and feared he would not respect the safe-conduct given under his own hand. It is significant that it was the Moderator and Clerk of the Assembly they were most

afraid to risk in the King's hands. These two men stood most distinctly for the cause that was dearest to them, and most offensive to him.

It was on the morning of 11th June that the Scottish Commissioners left Duns Law for the English camp. They were escorted by a hundred horse, and on arriving at Birks they were conducted to the tent of the Earl of Arundel, Charles' Commander-in-Chief, where the Conference had been appointed to take place. The business had not well begun when the King suddenly entered the tent. This was no unusual trick with Charles, who had an exaggerated sense of the effect of the Royal presence in overawing those who differed from him; but, if that was his object on this occasion, he utterly failed. When he asked the Scottish Commissioners what they desired, Loudoun answered for them all that they desired security for their religion and liberties, according to the ecclesiastical and civil laws of the kingdom. Warriston was not present, but there were in the hands of the Commissioners memoranda drawn up by him of the conditions on which they were to accept a settlement, along with a paper of private instructions, both of which were of a thorough-going character. There was no man among them more determined to make the occasion one for obtaining a real redress for the grievances of the nation or who realised more how momentous were the issues that hung upon it. The main conditions laid down in Warriston's paper were the ratification of all the Acts of the Glasgow Assembly and the declaration by the King and Council that they would not interfere in future with matters of religion—‘the cause of all this contentioune.’ The others were that the King as the invader was first to lay down arms and give an assurance that he would make no similar attempt; that the damages done to the trade and shipping of the country by Hamilton's fleet should be paid for out of the estate of Papists and other Incendiaries; that the bishoprics—‘the cause of all the trouble’—should be applied to such common and pious uses as the relief of the poor, the maintenance of ministers and scholars, etc.; that

the King should reinstate the friends of the Covenanters in England who had been treated as rebels, and assure them and all who might conform to Presbytery against molestation ; that the Castles should be put into custody of the King and Parliament ; that the Council and the Court of Session should be chosen by the same ; and that no foreigners, and especially no foreign prelate, should be allowed to meddle with Scottish affairs. In this piece of work we see the character of its author. Warriston had always a clear perception of his object, avowed it without hesitation, defended it with vigorous argument, was intolerant of compromise, and pushed vehemently for whole measures.

On Thursday, 13th June, Alexander Henderson and Warriston were sent to join the Conference. Before they set out for Birks, another statement of the Scottish demands was drawn up—the principal being the ratification of the Glasgow Assembly, the abolition of bishops both in Church and State—for benefices and offices—and the summoning of the Parliament at set times, as once in two or three years. At the next meeting, the King took the lead in the discussion on his own side, and Warriston on the other. Reverting to his proclamation calling the Glasgow Assembly, Charles vindicated its terms. Warriston contended that it was satisfactory neither in manner nor in matter. The King urged—with the Assembly's abolition of bishops in his mind—that no Assembly could meddle with what was established by law, when he was answered that Parliament could not make ecclesiastical laws, but only sanction those made by the Assembly ; and when he rejoined that no ecclesiastical constitution could have effect if it was not ratified by Parliament, he was told that in that case it carried ecclesiastical if not civil authority. The King thereupon asserted his supremacy in all causes, ecclesiastical as well as civil—the Assembly, he said, could not judge him—*soli Deo peccavi*. Here Rothes broke in to the contrary that 'if he were King and had committed David's fault, y^t the Kirk might excommunicate him,' naïvely adding that 'he knew the King's ma/ would never fall in such trans-

gression !' The discussion then turned on the Service Book, and was carried on between the King and Henderson. Charles insisted on his authority to change all things that were not *de fide*, such as matters of discipline and government : Henderson replied that these might not be *de fide* as articles of the creed, yet they were *de fide* as *credenda*, and presbytery was founded on the Word of God.

Towards the close of the meeting, the King gave a general answer to the Covenanters' demands to the effect that he would respect their religion and their liberties, according to the ecclesiastical and civil laws of the kingdom, and that meanwhile they must give such obedience as was to be expected from loyal subjects. His particular answer he reserved till the Saturday. Meantime he proposed three questions on which he wished to have their minds. The first was—Had the King the indiction of the Assemblies ? to which they answered that he could sanction the calling of the Assemblies, but that he could not forbid them. The second was—Had he a negative vote in the Assembly ? The reply was that he had not, and that for twenty years he had not even an affirmative one. The third was—Had he power to discharge Assemblies ? to which they answered emphatically—No.

On the Saturday the King's particular answer to the demands was communicated. He would not ratify the Acts of the *pretended* Glasgow Assembly, but he would confirm all the concessions which the Lord High Commissioner had made there in his name. He would allow all ecclesiastical matters to be determined by the Assembly and all civil matters by the Parliament. He would call a free Assembly and a free Parliament, at which an Act of Oblivion would be passed. He would disband his own army as soon as the Covenanters disbanded theirs, dissolved the Tables, restored the Castles and regalia, and reponed all his good subjects—the Royalists—in the liberties, lands, and honours of which they had been deprived since the late *pretended* Assembly.

After consultation, the Covenanters took objection to the King's statement and conclusions. Warriston urged

that his refusal to approve the Acts of the Glasgow Assembly ‘prelimitated the next Assembly.’ Nettled by this remark, Charles replied that ‘the devill himself could not make a more uncharitable construction or give a more bitter expression.’ Warriston repeated his objection, when the King commanded him to be silent and said he would speak to more reasonable men. Still Warriston persisted; he was there to speak the minds of those he represented, and speak he would. A second time the King commanded him to be silent and rebuked him for his pertinacity. Before the Conference closed, however, Charles came round to a better mood, and all the Commissioners falling down on their knees craved that he would make the next day, which was a Sabbath, one of thanksgiving to them by granting their desires. So long as he kept up the bishops, ‘he wolde never winne their hearts nor keep peace in the kingdome, but if he would quyte them, he wolde have the most obedient subjects in the world.’ The King reserved his answer till Monday. On dismissing them he gave each a kiss of his hand, and bade Warriston ‘walk more circumspectly in tyme coming.’

As soon as the Conference ended, Warriston went off to Duns Law to report the part the King had taken in it, and his friends in the camp ‘were in no wayes pleased with it.’

On the Sabbath—16th June—two of the Scottish prelates, Ross and Aberdeen, so changed the conciliatory mood in which the King had closed the Conference by their ‘sweet and peaceable’ discourses that the Monday’s meeting was ‘more tart’ than any of the preceding ones. It was the new taste of the bishops’ *sweetness* that brought on the fresh accession of the King’s *bitterness* against the Presbyterians.

The Scottish Commissioners, before the Monday’s conference, drew up a fresh draft of a declaration such as would satisfy them, for the King to give out. Their demands had always become more precise, and these were the most precise of all. The King was asked to promise that the General Assembly would be held once a year, and oftener if necessary, and that Parliament would be sum-

moned once in three years and as often as the state of the kingdom required ; that the date of the next Assembly should be fixed, that it should consist of elders as well as ministers, and that it should deal with all proper matters, the places and powers of Kirkmen being specially named.

When the Conference resumed its sittings, the King announced his adherence to the answers he had given at the previous meeting. When the Commissioners pressed the main point and insisted on his agreeing to whatever the Assembly might determine, he wrote down, as his answer, that with regard to Episcopacy he would not bind himself, and added these words : ‘ we shall give way to the determination of the General Assembly w^{ch} we shall find to be agreeable to the laws of Kirk and State.’ As this implied the King’s right to a negative vote, and deprived the Assembly of power to meddle with the bishops or with any other matter which the King might allege to be established by law, the Commissioners could not accept it. Warriston rose twice to speak against the declaration, but was at once put down by the King.

The Scots at this juncture began to suspect that Charles was only putting off time to exhaust them, and they resolved either to bring him to a point with the Treaty or to bring their leaguer within cannon-shot of the King’s trenches. This coming to the King’s ears, made him more pliant at the next meeting of the Conference. On Tuesday, 18th June, the Covenanters held a consultation at which they resolved to make a declaration of their resolution to stand by the Glasgow Assembly and its Acts. When the Conference resumed, the King professed that it was not his desire that they should repudiate the Assembly—only they were not to ask him to ratify it. So the very question that had brought the two armies face to face would be left open. The Scots had only the alternatives of coming to a pacification on these terms or of prosecuting the war ; and they chose the former course.

It was but little they had gained from the King—only his admission that the disposal of the main issue was reserved, and his promise of a free Assembly and a free

Parliament ; in all the other articles of the Settlement he had got his own way. They were determined, however, to make the gain, such as it was, as secure as possible. They could not leave the interpretation of the negotiations, nor the version of them to be given to the country, to the honour of the King ; and they agreed to issue an *Information against all mistaking of his Majesty's declaration*. In this manifesto they advertised the concessions made by the King, viz., that he did not require them to disown the Glasgow Assembly, and that he had come under promise to call a free Assembly and a free Parliament to ratify whatever the Assembly might conclude. The paper was drawn up with the most careful courtesy to the King, and at the same time with the most uncompromising language they could use to make it plain to the nation that in all their negotiations they had stood firmly on their original ground. Copies of it were distributed among the English nobles in the Royal camp, and the King was requested to make known to them also all that had passed at the Conference, in confirmation of their version of the negotiations, so that there might be in neither kingdom any misunderstanding of their position. A memorandum was also drawn up—no doubt by Warriston's hand—of *Some heads of his Maj treatie with his subjects in Scotland befor the English Nobilitie*, in which the concessions made by the King were enumerated and all the doubtful points in the articles of the pacification elucidated.

The Treaty was signed on the afternoon of Tuesday, 18th June, and on the following Monday it was read by the King's herald in presence of the Scottish army at Duns Law. When the reading was over, the Earl of Cassilis stepped forward and in the name of all assembled, declared their adherence to the Glasgow Assembly, and thereafter presented a copy of the Commissioners' *Information* to the herald. 'All the people applauded, y^t they did adhere to the Assemblie and "bade hang the bishops." Wherever the Treaty was read by the Royal heralds, representatives of the Tables appeared and made a similar declaration.

We have given the contents of the *Diary* with such

fulness, not only because it comes from Warriston's hand and supplies the most complete and trustworthy account of so important a passage in our history, but also because it shows how great a part he took in *making* our history at that period. Of all the negotiators on the Scottish side he was the most courageous and resolute in facing the King, and did most to secure whatever was grateful to the country in the terms of the Treaty.

In estimating the result for the cause of the Covenant, it is easy to minimise it ; the Treaty postponed the real struggle with the King ; Warriston and his party were under no illusions on this point ; they knew very well that Charles in his heart was still resolved to maintain the bishops. Moreover, they were disbanding their army and incurring the risk of another invasion the moment the King saw his opportunity. Would it not have been better for them to have rejected the King's terms and at once brought on the inevitable issue ? We know that when the Treaty was published keen disappointment was felt in the country. Warriston mentions in one of the last entries in his *Diary* that when he returned to Edinburgh from Duns Law he found many grieved with him and his fellow-Commissioners. They thought the Treaty had been concluded with too much haste, and that by delay better terms could have been obtained.

On the other hand, the King's readiness to come even to such terms revealed his sense of his own want of support in England, and this was a great moral gain for the Scots. And though the promise of a General Assembly and a Parliament gave no assurance that the Acts of either would be respected by the King if he found at the time that he could safely oppose them, they had good grounds for believing—as both were to be held immediately—that Charles would be as ill prepared for hostilities when they came on as he evidently felt himself to be now.

It is hinted in Baillie's *Letters* that the reason for the Scottish Commissioners concluding the Treaty as it stood was the fear of disaffection in their own ranks, but for such a fear there was no ground, save the suspicion that had

been aroused in regard to Montrose and one or two other adherents of the cause, and the grumbling of some of the people of the Merse who had suffered inconvenience from the encampment of the two armies in their district. One of those under suspicion was Warriston's own chief, Lord Johnston of Annandale, and a letter of Warriston of this date to his lordship shows that a few of the nobles were being solicited to go over to the King's interest, and that, though the secessions were not likely to be serious, the leaders of the Covenant used their utmost endeavours to prevent them. The Earl of Traquair had undertaken to bring over Lord Johnston, among others, to the Royalists ; and the letter was written for the purpose of defeating 'my Lord Treasurer's brags.' It reveals the man who wrote it—his honesty, his ardour, his convincedness that the cause for which he pled was the cause of God ; and it shows, along with a keen enough perception of the weaker sides of men, a trust, honourable to his own character, in the power of an appeal to their conscience. After mentioning the sinister rumours that were abroad with regard to Johnston, the letter goes on to say :—

'If you take this oath [to the King] you renounce the Covenant with God, you draw down his vengeance verily upon you, your house and your name, good fame, yourself and your posterity, with that stigmatising blot and blunder of a traitor to your religion, the Kirk, the liberty and freedom of this kingdom ; you will be infamous in all stories and contemned both at home and abroad, whereof I am very confident you abhor the very thought worse than death. Mistake not my forewarning you of these consequences, as if I believed your Lordship would fall on them, for I protest I am not capable as yet of such an imagination ; but you know my licence and liberty to be free in this business with all I love and respect.'

Montrose, it seems, had been invited to Court at this time and had declined, and Johnston is exhorted to follow his example and 'do nobly as my noble Lord of Montrose has done !' The letter resumes :—

'This is my advice ; but if your Lordship will go away, truly I shall be sorry for it ; but I will both expect from your Lord-

ship an answer hereunto more clear and special, whereby I may be more enabled to falsify the doubts, and answer the objections made by others against your voyage [to the Court] like as an true-hearted Johnston, and a true friend and servant to your Lordship and to the house of Johnston, and, above all, as a faithful advocate for God's Kirk, and agent for this great work of God in this land. I do faithfully counsel you and really forwarn you, as in the presence of the great God, before whom your Lordship and I will both answer, that as you love your own soul, your name, your state, your country and religion, you neither by word, or writ, undertake either to assist the King in this his course against your fellow-Covenanters, which by your solemn oath you are obliged to maintain.'

The letter closes with these sentences :—

'And albeit all the Lords of Fife, Lothian, and the West would concur in defection with those in the North and the South, I make not question that the great God, the patron of this work, will trample them down. . . It shall be seen, even it shall be seen in this world, that the Lord will fight for his people, and rather work miracles before he desert them and suffer his work to be destroyed. . . In the meantime let everyone of us be sure of himself, and warn and encourage ane another, and God, who knit our hearts and our hands, will be found to keep the knot fastened with his own hand.'¹

¹ Hailes' *Memorials*, i. p. 49.

CHAPTER IX

BETWEEN FIRST AND SECOND BISHOPS' WARS

THE Treaty was no sooner concluded than ominous signs occurred that boded but a short period of peace. While the King was still at the Border, he summoned fourteen of the leading Covenanters to Berwick to confer with him on State affairs. Most of them declined the summons owing to their suspicion of some sinister design in the King's mind. How keenly he felt their refusal came out at the meeting of the General Assembly held in the following August, which he promised to attend, but did not, giving as his excuse that it could not be thought reasonable that he should trust his person with those who could not trust theirs with him. But a still graver omen was that Charles no sooner returned to London than he had the memorandum which had been drawn up by the Scottish Commissioners burned by the hands of the common hangman.

The promised Assembly met on 12th August 1639. Six days earlier the King wrote to Spottiswood, Archbishop of St. Andrews, in answer to an appeal made to him through Laud by the Scottish bishops; and the letter shows how much reason there was for the distrust on the part of the Covenanters of which he complained. The bishops were assured that though the King would give way to the Presbyterians for the present, he would always have it in his mind to find a way of restoring them. He advised them to send in a protest against the Acts of the impending Assembly and Parliament, and to address it to neither Court directly, but through the Royal Commissioner. In this way they would supply him with a weapon by which he would be

able to reopen the question of the constitution of the Church, and to do so as the arbiter of the two parties in the realm, and so save himself from the appearance of a despotic act. It was not the King's purpose—so this letter implied—to renew his opposition to the Presbyterians at this Assembly; and Traquair, the Royal Commissioner on the occasion—with the view of getting a programme so repugnant to his master despatched in as short a time as possible—proposed when the Assembly was opened that the Court should include in a single Act the entire process by which it meant to restore the original constitution of the Church. For once, the Assembly was eager to comply with the wish of the King, and in one Act it made a clean sweep of all its grievances—the chief of them, the bishops, 'going to the rack' with the others, and getting but 'a sorry funeral.'¹

There were other two pieces of work transacted by the Assembly that showed the thoroughness with which it was bent on carrying out its own programme and putting the King in the wrong. It passed an Act for imposing the Covenant on the whole nation, and especially on the heads of universities and other schools of learning, and on all suspected of popery. No one nowadays can justify such an Act; and those who are most grateful to its authors for the services they rendered to religion and liberty will most deplore that they were not wiser and more tolerant of the convictions of those who differed from them.

The second piece of business to which we have referred was the preparation of an answer to the King's *Larger Declaration*, as it was called—a ponderous and exhaustive work written on the command of Charles by Balcanquhal, Dean of Durham, in which the King's policy in Scottish affairs was vindicated and the conduct of the Covenanters described in terms of the severest censure and sometimes of the most contemptuous scorn. The reply, which took the form of a supplication to the King, began diplomatically by accusing the author of the Declaration of stealing his Majesty's name for the patronage of his 'foul and false

¹ Howell's *Familiar Letters*, p. 270.

book,' and ended by requesting the King to call in the book, and to command all who had had a hand in it, and especially Balcanquhal, to be sent to Scotland, in order to be tried and punished, as a salutary example to deter others from raising sedition between the King and his subjects, and that his loyal and loving people in Scotland should be cleared before the world from the false accusations that had been made against them. The supplication was probably the production of the Clerk, and bears the marks of Warriston's fearless and peremptory spirit in all his addresses to the King.

The achievements of the Assembly called forth fervent expressions of thankfulness from the members—as they well might—for they did not leave a single point in the reformation of the Church unaccomplished. The agitation had lasted little more than two years; within so short a time the whole burden of Episcopacy, which had lasted with more or less rigour for well-nigh half a century, was thrown off, and the Church breathed again the air of liberty. In the Assembly there was a remnant who had been members of the Court when James vi. began to assail its freedom and overturn its polity, and when the day they had longed for, but scarce hoped to see, arrived—when the Church came to its rights again—these venerable men were overcome with joy. They rose one after another in the House and poured out their hearts in gratitude to God. John Weems, minister of Kinnaird, especially, gave touching utterance to what all felt. He could 'scarce get a word spoken for tears trickling down along his grey hairs . . . and yet withal, smiling with joy, said, "I do remember when the Kirk of Scotland had a beautiful face. I remember since there was a great power and life accompanying the ordinances of God, and a powerful work of operation upon the hearts of people. Then my eyes did see a fearful defection after, procured by our sins, and no more did I wish, before my eyes were closed, but to have seen such a beautiful day. Blessed for evermore be our Lord and King, Jesus: and the blessing of God be upon his Majesty, and the Lord make us thankful."¹

¹ Peterkin's *Records*, p. 250.

In one of his letters of this date Baillie expatiates on the turn the tide had taken in the fortunes of the Church with a glow of satisfaction which no doubt reflected the feelings of all the Presbyterians in the kingdom : ‘The several pieces of this heavenly work, which God has begun and perfected by the noble spirits of manie brave men among us, fitted excellentlie with gifts according to the extraordinary exigitcs of our time . . . I wish ye had them well descriyed.’ None of the ‘brave men among us’ had taken a larger part in the work than Baillie’s old pupil, and Warriston would be prominent in his mind when he penned these words. A few months later he wrote to Warriston urging him to write a narrative of the period, as there was no one fitter for the work than one ‘whom God has enabled in all this cause to do great things.’

As the Assembly rose, the Parliament began to sit. It met for the first time in the present Parliament House, which was not happily inaugurated by its proceedings. Before finishing its formal preliminary business, it was prorogued to 2nd June 1640. The King had no mind to expedite the business of a Parliament which had been expressly called to confirm the deed of the Assembly in abolishing the bishops. Against the prorogation a protest was lodged, in which it was contended that no excuse or occasion had been given for it and that it was contrary to the Treaty. The document was prepared by Warriston, and it was he who read it to the House.

The prorogation was a glaring breach of faith on the part of the King, and the Covenanters resolved that they would hold him to his covenant. In all their transactions with Charles it is hard to say whether they showed more pains to observe towards him the respect due to a sovereign or to keep him from encroaching on the liberties of the kingdom. So, in the spring of 1640, Dunfermline and Loudoun were sent to London to vindicate to the King’s own face the proceedings of the Assembly and the Parliament. Charles refused to hear them ; and on the eve of their return to Scotland Loudoun was arrested and sent to

the Tower. It was not so much, however, the errand on which he had come to Court that incensed the King against him, as the discovery of a letter which had been drafted before the Bishops' War by several of the Scottish leaders—including Loudoun, Rothes, Montrose, and General Leslie—in which they made an appeal to Louis XIII. of France to support them against the Crown. Charles not unnaturally thought that this discovery had put it in his power to rid himself at a stroke of all his troubles in connection with the government of Scotland. A charge of treason proved against some of the principal Covenanters would more than turn the balance of the grievances of which the Scots complained, and would serve to alienate the sympathy of their English friends. So Charles hoped—but he was disappointed. Scotland felt no compunction in the matter, for never in its history had its Parliament, with whose virtual sanction the nobles approached Louis, parted with the right to negotiate by itself, and without the concurrence of the sovereign, with foreign princes, when the nation was threatened with war.¹ Nor would the English people dance to the King's piping. They felt they had more to fear from his own oppressive government than from any foreign foe.

When Parliament met on the day fixed—2nd June 1640—it was found that the King had once more given orders for a prorogation, but as these were not formally authenticated the Parliament continued to sit. In any case, it would have done so, but the omission made it easier for it to proceed. The situation since the pacification of Berwick had been one of veiled hostility to the Crown, but the resolution of Parliament to disregard the King's instructions to prorogue was a critical step towards the renewal of actual war, and was so understood on both sides.

The first Act of the session was to reconstitute the Estates, which had hitherto consisted of the Prelates, the Nobles, and the Burgesses. The Prelates were now excluded, but the old number of the Estates was still pre-

¹ See Burton, vi. p. 29.

served by dividing the second into the greater barons, or nobles, and the lesser barons, or representatives of counties. The House then proceeded to draw up a statement of its grievances against the Crown and to enumerate all the points on which the King had infringed the articles of the recent Treaty. He had violated most of its terms; he had allowed the action of the Parliament to be aspersed before the English Council, and had issued denunciations of its conduct broadcast among the English people; and when Commissioners had been sent to London to vindicate its honour, he had dismissed them and sent one of them to prison. Instead of seeking to preserve peace between the two kingdoms, he had done everything that was possible to involve them in war. For every one of these charges the Parliament gave chapter and verse. With war inevitably before it, it was determined to clear itself and to lay the entire responsibility on the King.

The Parliament next transacted its chief business—the ratification of the Acts of the Assembly—which was carried in every case without opposition. Its last Act was to appoint a Commission of representatives of the three Estates to undertake the government of the country, with full powers alike in peace and war. This Commission proved a most potent organ of the will of the nation during the long period of trouble that was impending.

There were two items in the business of this Parliament which specially concerned Warriston. It voted him a salary of 1000 merks a year as Advocate to the Kirk, and 50 merks as Clerk—to be paid out of the Kirk rents of the late bishoprics. It also gave him a commission in connection with the impending war, which showed its sense of the unique service he had rendered to the nation and still was expected to render. Act 24th of the session was as follows: ‘And because there will fall out in the camp a necessitie of treaties, consultations, or public declarations, to show ye reason of ye demands and proceedings in Assembly and Parliament, and ye prejudices against either of them, the esteats ordean Master Archibald Johnston,

procuratour for ye Kirke, as best acquaint with these reasons and prejudices, to attend his Excellencie [General Leslie] and to be present at all occationes with ye said Committe for their further information and cleering thereanent.'¹

¹ *Acts of Parliament*, iv. p. 284.

CHAPTER X

THE SECOND BISHOPS' WAR

Two months before the meeting of the Scottish Estates Charles had summoned the English Parliament to obtain supplies for another invasion of Scotland, but it had met his demand for money by a counter demand for better government and he had summarily dismissed it. The temper shown by the *Short Parliament* would have made a wiser ruler pause, but Charles took no warning and went on to raise supplies by his own hand. Strafford and other English nobles gave large sums; the Irish Parliament, through Strafford's influence, gave subsidies amounting to £240,000; the English Convocation voted £20,000 for six years; and Catholics subscribed so much that the King's army was spoken of as the Popish army.¹ 'It was,' says Carlyle, 'a most hopeless army. They mutinied against their officers in various towns in their march; if the Clergyman was reported Puritan they went and gave him three cheers; if of surplice tendency, they sometimes threw his furniture out of the window. No fighting against Scotch Gospellers was to be hoped for from these men.'²

The preparation of the Scots was of a very different kind. They raised an army of 22,000 foot and nearly 3000 horse, every man of them with his heart in the business. A quarter of the able-bodied men in every parish were called out; a tenth of the rents of the whole country was taxed, and the ministers procured voluntary subscriptions.

¹ Principal Lee's *History of the Church of Scotland*, ii. p. 295.

² Carlyle's *Cromwell*, i. p. 83.

The capital set a noble example by the promptitude and liberality of its contributions. ‘Oft tymes,’ says Baillie, ‘has that worthy Toune been a good instrument to our cause, bot never more seasonable than at this dangerous exigent.’ Warriston along with Rothes and Loudoun made an appeal to the citizens for loans of money and also for material for the army tents; and Henry Rollock, one of the most popular of the ministers, spoke ‘so sweetlie to the people’s minds on the Sunday’ that the women that very afternoon and on the Monday freely brought such store of coarse linen and sheets as almost sufficed to cover the whole army; and money on loan poured in so freely that by the Tuesday Warriston and his colleagues had £100,000 in their hands, with promises of more shortly to follow. In the last page of his *Diary*—a detached fragment of not more than thirty or forty lines immediately following the body of the MS. which ends with June 1639—there are two entries referring to the extraordinary zeal shown by the city of Edinburgh at this time: ‘Upon Sunday, 9 of August (1640) thair was keiped ane solemn fast throw the haill army and the City of Edg^h. qlk did contribute much to provide the money and tents. . . . Upon Monoday the 10 of August, all the neighbours being solemnly conveined, in the parliat house of Edg^h. with prayer and exhortation, they offer willingly as many particular sums as amounted to ane hundredth thousand pounds. This is God’s work and wonderfull in our eyes, qlk requires remembrance, thankfulness and dependence on God in neue difficulties.’

On 20th August the Scottish army crossed the Tweed at Coldstream in high spirits, and then marched leisurely through Northumberland in three divisions, which kept within easy reach of each other. On Thursday, 28th May, these all met by appointment at Newburn, five miles up the Tyne from Newcastle, where they forced a passage after but a feeble resistance on the part of the enemy. Advancing without interruption, they took possession of Newcastle, and in a day or two made themselves masters of Northumberland and Durham. The Royal forces fell back on York, where the

King had raised his standard. At one stroke and with almost no loss, the Scottish army had finished the campaign and put the King at their mercy.

The difficulty the Scots always had with Charles was to save him from himself. Their loyalty to the monarchy was so great that they often risked their most cherished liberties to give the King a new chance of repentance. So, at this juncture, the victorious army refrained from following up its advantage, and a supplication was prepared and sent to the King at York, entreating him to save further bloodshed, by taking Scottish grievances into consideration and consulting the English Parliament as to the best means of redressing them and settling a durable peace. The Covenanters issued at the same time a declaration to the English people, entitled *The Lawfulness of our Expedition into England manifested*. It was a paper of statesmanlike structure and trenchant expression. The pains taken by its authors to put themselves right with the English nation, and the suggestion that the King should take the advice of the English Parliament, showed the *rapprochement* which had been going on for some time between those who were opposed to Charles' high-flying policy in religious matters in the two kingdoms and the boldness their hopes were assuming as the result of the spirited resistance with which that policy had been met by the Scots.

The King consented to receive a statement of grievances, and a paper was sent in making eight demands, of which the chief were : the payment of the Scottish war expenses ; the withdrawal of all the Royal proclamations that had been issued against the Covenanters ; the punishment of the Incendiaries, who had encouraged the quarrel between the King and them ; and the settlement of uniformity in religion between the two kingdoms. Charles now proposed to the Scots that a Conference should be held between so many Commissioners on their side and so many on his, in order to arrange a Treaty. Eight were chosen to represent the Scots, and Alexander Henderson and Warriston were specially appointed to join them. The Conference met at Ripon, but only sat there till it had arranged for the main-

tenance of the Scottish army while it remained in England, and thereafter adjourned to London.

The Long Parliament had just assembled ; and the Scottish Commissioners were eye-witnesses of the processes by which it abolished one by one the despotic Acts of Charles and punished the chief abettors of them. In their correspondence with their friends at home they gave copious expression to the high hopes with which the temper alike of the English Parliament and the English people, and especially the people of London, filled them. ‘All things here,’ wrote Baillie, ‘goes on as our heart could wish. . . . We were extreamlie welcome. . . . Hudge things are here in working ; the mighty hand of God be about this great work ! We hope this shall be the joyfull harvest of the teares that thir manie yeares has been sawin in thir kingdomes. All here are wearie of Bishops. . . . We doubt not bot at once we shall have all our demands, for the God of Heaven is clearlie with us, incouradges dailie our friends, amazes our enemies and confounds them.’¹

The demands were slowly but surely conceded. Whenever the English nobles refused them, the Scottish Commissioners insisted on their consulting the Parliament from which they derived their authority, and the Parliament always backed the Scots—it was their sure refuge.

In the course of settling the demands for the punishment of the Incendiaries, Strafford and Laud—the two prime ones—came to be dealt with. The first drafts of the charges against them were entrusted to Baillie—although he was not on the Commission—and after being submitted to friends in the Commons, were given, one to Alexander Henderson and the other to Warriston and Loudoun, to be put into final form. ‘Both we and the English are panting for these two processes,’ says Baillie. The Parliament had intimated that it would delay both trials till the Scottish Commissioners had drawn up their contributions to the indictments ; and it had named a particular day for these to be given in. We can well believe the chronicler of their proceedings when he tells us they were resolved

¹ Baillie’s *Letters*, i. pp. 272–277.

that it would be no fault of theirs if on that day they would not be 'in hands with' the two principal delinquents, and especially with his 'little Grace.'

While in London as one of the Commissioners of the Treaty, Warriston frequently wrote to Lord Balmerino and other friends in Scotland in regard to the negotiations. In one of his letters to Balmerino, dated 29th Feb. 1641, he refers to an incident which caused much excitement at the time, and in connection with which he was much blamed. Early in 1641 a rumour went abroad that the Commissioners had been induced by the blandishments of Charles to abandon their charges against Strafford and Laud. Traquair was supposed to have originated it with the view of making the Commissioners odious to the people, or if they should repudiate it, odious to the King. The Commissioners immediately drew up a paper in denial. The paper was given in to the English Commissioners, and copies of it were printed and affixed in the most public places—by whose orders it was not known. The King was infuriated, and threatened to cancel the Commissioners' safe-conduct. The paper on account of its acerbity was ascribed to Warriston, but in his letter to Balmerino he gives a flat denial to the charge. He says: 'To tell you the truth none can justify the printing of it [the Commissioners' paper] neither knew I of it; and albeit the paper, because of its bitterness, be called Johnston's paper, yet it was delivered to the English Commissioners, *er ever I did so much as see it.*'¹

In the following April Warriston was much concerned about the prosecution of the Scottish Incendiaries, and especially of Traquair. He and his colleagues were determined to bring the Lord Treasurer to justice, and Charles was equally determined to bring him off. We have three letters from his hand, one addressed to Balmerino, and the other two—both of great length—to Adam Hepburn of Humbie, in all of which he deals with this matter. In his letter to Balmerino he instructs his lordship how to treat the counsel engaged for the prosecution of the Incendiaries,

¹ Hailes' *Memorials*, ii. p. 107.

and in doing so makes some observations not flattering to his brothers of the gown. They would need to be handsomely paid beforehand, for if they were not, being 'mercenary advocates,' Traquair, who was a man of no conscience, might buy them over! No money must be spared on their retainers, and they must spare no pains on their briefs. Were it not that he would be one of the 'primest witnesses' against the accused, he would willingly have been the 'pursuer' himself, and would have thought it 'a notable occasion to *express affection*' to the Cause and Country.¹

In the first of the two letters to Hepburn he refers to the efforts the King was making to save Traquair. Charles wished to bargain for a universal Act of Oblivion, and threatened that if exceptions were made on the Commissioners' side, he would insist on making an equal number on his side. In the conjectural list of the King's exceptions Warriston was certainly believed to be one; so was Rothes; Argyle and Loudoun were suspected to be others. Warriston urges his friends in Scotland not to give heed to intimidation and to insist on Traquair's punishment, whatever might be the consequence to himself and the others who were threatened by the King. 'I say and write to you from the bottom of my heart, that before the Parliament of Scotland were thus frustrated and boasted [intimidated] from their pursuit of Incendiaries . . . I will rather be content, for myself, this night to be laid in the Gate-house, and let them do with me to-morrow what they pleased.'²

In his second letter to Hepburn, Warriston reports a private interview he had with the King on the same business. Charles would stomach no exceptions to the Act of Oblivion; if any were made, he would retaliate: and Warriston was as determined that the Scottish Parliament should defy his threats and go on with the prosecution. 'Since my writing my last,' he says, 'with this same bearer and closing it yesternight, I had occasion this morning to speak with M. and after, by his advice, with the King, to whom I told my mind freely of the dangers and incon-

¹ Hailes' *Memorials*, ii. p. 117.

² *Ibid.* p. 120.

veniences he might draw on himself, by discussing his actions and forcing men, for their defence, to look over old practices, not so expedient for him; *exoneravi animam meam* to him, and that for others, because as for myself, I told him that I defied all the world that could lay to my charge any treasonable intention against his person and crown, and renewed my offer to go in chains with any accuser to Scotland.'

On the same day the King met with all the Commissioners to discuss the Treaty. He spoke of taking the payment of their war expenses into his own hands—for the purpose, as Warriston thought, of breeding jealousy between them and the English Parliament—and also of paying a visit to Scotland and attending the meeting of the Parliament there. Then, turning to the Act of Oblivion, 'he cried and swore, that if they excepted any he would except some also.' Warriston regarded this as an empty threat, neither did he believe that the King meant to go to Scotland; and he urged his friends in the Parliament to do their duty fearlessly in bringing the Incendiaries, and especially Traquair, to justice.¹

Warriston was mistaken in supposing that Charles had really no intention to visit Scotland. He did visit it, as we shall see, and attended the meeting of the Parliament that dealt with the Incendiaries, and through his personal influence saved Traquair and others from the extreme measures which the Parliament was prepared and indeed actually resolved to take against them.

The Treaty, which granted all the demands of the Covenanters, was ratified on 7th August 1641. Their invasion of England cost them little and it accomplished much. It secured every immediate object for which it was undertaken and gave them a triumph over the King at every point. So long as 'our lads sat on at Newcastle' the English Commons sat on at Westminster, secure from all interference from the King, to grant the Scots all they sought in order to retrieve their constitutional rights.

¹ Hailes' *Memorials*, ii. 224.

When Charles provoked the invasion, he dealt a fatal blow to his own power in both kingdoms. In the interest of keeping up the Scottish bishops, he threw away his throne and his life. ‘We cannot do without them, the Philistines are too strong for us,’ so said Strode — one of the five members of the Commons whom Charles, on January 1642, went down in person to the House to arrest — of the Scottish army in Northumberland. The support of the English Parliamentary party by Scotland not only tied the King’s hands in the Long Parliament, but afterwards, when he came to wage war with the Parliament, and when the struggle reached its most critical stage, turned the tide against him and overwhelmed him with disaster.

While in London, negotiating the Treaty, the Scottish Commissioners and the ministers who accompanied them used their time in cultivating the friendship of leading members of the popular party, both in Church and State, and in promoting a permanent union between the forces of Scottish Presbyterianism and English Puritanism on the basis of a common ecclesiastical policy in the two kingdoms. In this they made such progress that when the critical period in the Civil War arrived, they, for the sake of bringing it to a consummation, persuaded their nation to join its arms to those of their friends in England. It was largely their own fault that they did not ultimately succeed; it was their own intolerance that gave strength to the Independents in the English Parliamentary party; it was the fear expressed by Milton that ‘New Presbyter’ would be but ‘Old Priest writ large,’ that led Cromwell and the strongest of the Puritans to oppose their programme. When we know what was thought and said about the Independents by the Scottish ministers, when they encountered them in London, when we read the discussions in the General Assembly at this period in regard to the lawfulness of private meetings of Christian people for the purpose of mutual exhortation, we do not wonder that the Presbyterians roused such a determined resistance to their supremacy. Meanwhile, however, they had good

grounds for the hopes they so warmly cherished ; and the demand made and granted in the Treaty just concluded in London, that the two kingdoms should seek uniformity in religion as the basis of a lasting peace, seemed to be fairly on the way of realisation.

CHAPTER XI

THE KING'S VISIT OF RECONCILIATION TO SCOTLAND

THE Treaty was no sooner concluded and Leslie's army on its way home than Charles set out for Scotland. He arrived in the capital on 14th August 1641. The General Assembly had just risen, but Parliament was in session. The King's object plainly was to alienate its support from the English Parliament. He could not have been more complacent than he was on every hand during this visit. He attended the Presbyterian service in the Abbey Church which was conducted by the distinguished minister who projected the Covenant conjointly with Warriston, and who, as Moderator, was mainly responsible for the defiance of his authority by the Glasgow Assembly. At the first meeting of Parliament at which he was present, he made a gracious speech, in which he declared that his purpose in coming to his native kingdom was to end the unhappy differences between himself and his subjects and to give them content and general satisfaction. He attended Parliament day after day, spoke frequently and for the most part in a friendly spirit, and eagerly gave the Royal sanction to its Acts. The *personnel* of the Government underwent such a change, with the King's approval, as takes place now when those who occupy the front bench of the Opposition pass over to the Treasury bench. The King's compliance with the national will was received with enthusiasm by a people who were never slow to recognise gracious acts on the part of their sovereign. The change in Charles' temper and policy, however, was too sudden and violent, and had too evident a motive in the straits of his government in England,

to be accepted as sincere by the leaders of the nation ; and before he left the country a series of sinister events occurred which revived the distrust he had come to remove, and only confirmed the bond of friendship between the Scots and the English Parliament.

Though the legislation in the Parliament of 1641 had on the whole a smooth course, there were one or two questions on which the Covenanters had sharp enough differences with the King. One of these was the punishment of the Incendiaries. We have seen how determined Warriston was that the Parliament should not give way to the King by agreeing to include the chief of these, and especially Traquair, in the Act of Oblivion. He was never for their blood—so he declared in one of his letters to Hepburn of Humbie which we have quoted—but he was bent on such measures being taken against them by the Estates as would put it out of their power to work any more mischief in the realm. The King used his utmost influence in the Parliament on behalf of the accused ; while Warriston stuck to the demands of the Commissioners, and insisted in the House as he had done in his letters from London that they should be carried out. The Parliament, however, softened by the King's presence and desiring that he might 'joyfully return a contented prince to a contented people'—and with the approval of such strong Covenanters as Alexander Henderson and Argyle—resolved on a more lenient course. The Incendiaries were remitted to the King, to be dealt with according to his pleasure, so long as he did not employ any of them in offices or places about the Court or in the State without consent of Parliament, nor grant them any access to his person, by which they might disturb or interrupt the peace of the nation.¹

Another disputed question between the King and the Covenanters was that as to the right of the Parliament to choose those who were to fill the offices of state. Charles claimed this as his own prerogative ; the Covenanters, on the other hand, held that in all such appointments the King

¹ *Acts of Parliament*, v.

was bound to follow the advice of the Estates. Here, too, Warriston led the opposition to the King, and in one of the discussions on the question, took part with such effect that he virtually settled it. On this occasion he gave the Parliament a like surprise to that which he had given the General Assembly in Glasgow when he laid its lost minutes on the table of the House. He had justified the claim of the Parliament on the ground that it was in accordance with ancient constitutional usage. The King denied this usage, when Warriston referred him to the Records. Now Charles had only too good reason for believing that these were not in existence, knowing as he did that they had been given by his father James vi. to one Hay of Dunfermline for the purpose of being destroyed. Hay, however, had put them away in his charter-chest, and it so happened that Warriston, in connection with some civil case, had had occasion to search the chest, and had come upon the State documents. Great was Charles' astonishment and mortification when on his challenging the existence of the Records, Warriston produced them.¹

The claim made by the Parliament was carried out in the appointment of leading Covenanters to high offices of state and in the honours that were bestowed upon others of their number. Argyle was raised to the dignity of a Marquis; Leslie was created Earl of Leven; Loudoun received the Chancellorship; and Warriston was knighted and made a Lord of Session. There was a more coveted office to which he was nearly appointed at this time, and which he afterwards filled. The blue riband of his profession was the Lord Clerk Registership, and the most zealous of the Covenanters and all the Estates wished to bestow it upon him as a reward for his 'great and verie happie laboures' in the State; he was, however, passed over in favour of Gibson of Durie, the King being strongly in favour of the latter, and Argyle also, to the surprise of many supporting his candidature. The Marquis had had a tussle with Warriston in the Parliament over a proposal made by the latter to return Commissioners from the General Assembly to the Legislature.

¹ Wodrow's *Analecta*, ii. p. 219.

Argyle opposed it ‘with storme as makeing way for churchmen’s voices in Parliament,’ and in doing so was undeniably more in accord with the Church of Melville’s day than Warriston. Whether there was some alienation or irritation between the two, at this time, we do not know.

At one of the diets of the Parliament Warriston presented a petition for ‘exoneration,’ as it was called, in connection with the performance of the duties with which he had been entrusted as Commissioner in attending the army and taking part in the negotiations for the Treaty. In the petition he prays: ‘That as it hath pleased the Lord who is the framer and searcher of hearts to mak it my greatest desire in this lyfe to be in any degree according to my weakness the meanest instrument of his service in this great work for the gude of the Kirk and State . . . before I retire to my private affaires and calling from the which thir four yeires I have been continuallie distracted, I may obtain from his gracious Ma/ and your H^e an exoneration of that charge and an approbation of my former cariage to be joyned to an inward testimonie of good conscience before God.’ The Parliament made handsome acknowledgment of the way in which he had discharged his stewardship: ‘He heath in all fidelitie caire and diligence behaved himself in ye foirsaid employment, charge, and trust, as ane loyall subject to ye King and true patriot to his country.’¹ He was at the same time appointed one of the Commissioners for conserving the recent Treaty with England.

In the beginning of the chapter reference was made to certain inauspicious events which happened towards the close of the King’s visit and undid all its conciliatory effects. Those were the intrigues of Montrose and others, adherents of the *Cumbernauld Band*, against the Covenanters, the plot to deport Argyle and Hamilton from the kingdom—the *Incident*, as it was called—and above all, the Irish rebellion and massacres. In the first two the King, in the popular belief, was implicated. They were construed as part of a policy he had planned in coming to Scotland, which was to seize the moment when the fears of the nation

¹ *Acts of Parliament*, v. 67ob, b61, c291.

would be disarmed by his surrender to its demands, for laying hands on leading patriots and certain influential nobles who though no Covenanters were in disfavour with the Court, and getting the army, with Montrose at its head, into his own power. But it was the last of these events that did most to turn the visit, which the King made for the purpose of detaching the Scots from their English allies, into the means of binding the two more closely together. The tidings from Ireland spread a panic through both kingdoms, which was due not merely to the blood-curdling tale of the atrocities perpetrated by the rebels, but also to the suspicion of complicity on the part of the King. The leader of the rebellion declared in a proclamation he issued that he was acting by the King's instructions and for the purpose of restoring his authority in England ; and that he had a commission under the Great Seal of Scotland. What degree of truth there was in his assertions it is impossible to discover. No one holds that the King was directly responsible for the massacres. But did he instigate the rising of the Irish Papists at the risk of the butchery that followed ? Writing of the commission O'Neil professed to have received from the King, Burton says : 'By some writers the commission has been cast aside as a forgery so obviously inconsistent with the surrounding conditions that its rejection requires no support from criticism. But this is a matter open to differences of opinion : and any one conversant with the documents of the time could point to papers of undoubted authenticity, issued by the King, of a nature more inconsistent and surprising than this commission.'¹

It did not need, however, such dark imputations on the King's honour to lead the Scots to cleave to their English friends. In the late war, Charles had raised a large force of Irish Papists to invade Scotland, and that act was too recent and had impressed the nation too strongly with his unscrupulousness, not to be sufficient, when taken in connection with the events in Ireland, to make the Scots more anxious than ever for the continuance of the English alliance.

¹ Burton, vi. p. 344.

Since the conclusion of the Treaty, the friends of freedom in the two countries had taken measures to maintain correspondence with one another. In the General Assembly held in July of this year—1641—at St. Andrews in the first instance and then adjourned to Edinburgh, friendly letters were received from English Puritan ministers, and on these being submitted, the Moderator, Alexander Henderson, moved the House to prepare a platform for religious conformity with England to consist of a common catechism and confession, a common directory for worship, and a common form of Church government. Parliamentary correspondence was also established between the two countries. At the meeting of the Estates, Commissioners had appeared from the English Commons, and the courtesy was reciprocated by the appointment of Scottish Commissioners to attend at Westminster. It is significant of the temper of the Estates that all of these were men on whom they could most certainly count not to be compliant with the King; and Warriston was of the number.

CHAPTER XII

THE SOLEMN LEAGUE AND COVENANT

IN the following year—1642—the quarrel between the King and the English Parliament came to a head and issued in civil war. It was felt by both parties that Scotland would play a decisive part in the struggle, and each did the utmost to gain her support. From the first there was little doubt as to the side she would espouse. She had no trust in Charles, and was convinced that if he crushed the forces of the Parliament the loss of her dearly recovered liberties would inevitably follow. She knew she had nothing to fear from the opposite event. No one believed that the Parliament, however powerful, would do anything to hurt her. The only point that was open to question was whether it would satisfy her aspirations for uniformity in religion by adopting the Presbyterian system in England. Even in regard to this the Parliament had given good grounds for hope by its legislation against the bishops, as well as by its correspondence on the subject with the Scots themselves.

Charles' visit to Scotland was followed by unrelaxing efforts on his part to prevent her joining the forces of the Parliament. In the month of May he commanded Loudoun, the Chancellor, to call the Council together to draw up a remonstrance for presentation to the Parliament, setting forth all the wrongs it had done to his prerogative. Warriston, who was in London at the time, went down to Edinburgh, at the request of the Parliament, in order to defeat the scheme. A paper which he wrote and published under the title of *A Letter to a Friend* had great influence

with the country in rousing opposition to it. The King's party was very confident, and flocked to the capital to support its friends in the Council in carrying out the Royal injunction ; but they were so overmatched alike in number and resolution by their opponents—for the most part gentlemen and ministers from Fife and the Lothians—that the remonstrance had to be dropped.

The General Assembly met at St. Andrews on 27th July, within a month of the day the King raised his standard at Nottingham, and had placed before it letters from Puritan ministers in England and from the Parliament, and also a very gracious message from the King—all bidding for its support. The House, in face of a passionate protest from the Lord High Commissioner, answered its English friends in the most cordial terms, and at the same time resolved to supplicate the King for peace. At a Commission of the Assembly which met in the autumn replies were received from the King and the Parliament. Charles would go no further than promise to consider the desires of the Assembly ; and he warned it against cherishing hopes of those who had no more love for Presbytery than they had for Episcopacy. The Parliament, on the other hand, promised all that was asked, and gave an earnest of it there and then by abolishing the bishops.

When the fortunes of war, towards the close of the year, turned in favour of the King, the Parliament, on Pym's motion, sent a declaration with request for help to the Scots. This was met by a counter declaration from Charles. The Scottish Council met, and after a stiff debate, in which 'Lanark [the Marquis of Hamilton's brother and the Secretary of State] and Argyle let fly at ane another for a while with much eagerness,' agreed to publish the King's declaration and withhold the Parliament's. It was feared by the Covenanters that this Act of the Council, which had been passed through mismanagement on the part of their own leaders, would wound their friends in the English Parliament ; but in the end it did good rather than harm. 'It was,' says Baillie, 'a trumpet that wakened us all out of a deep sleep. It was feared that the next step of the

Council would be to raise an army for the King. This put us all agast ; for we were feared that the first action of such an Armie might have been the knocking down our best patriots.'¹ A large number of the leading Covenanters from all parts, and especially from Fife, rushed to Edinburgh and brought such influence to bear upon the Council that it was not only deterred from taking any fresh step in favour of the King, but was compelled to cancel that which it had taken at the previous meeting. The King's party having failed to induce the Council to support the Royal cause in England, now sought to pledge it at least to abstain from supporting the Parliament, and got up a *Cross Petition*, as it was called, in favour of this compromise. Thereupon the Commissioners of the Church took what Baillie calls the most 'peremptor and extraordinary' step of issuing a declaration against the petition to be read from all the pulpits ; and he adds, 'this is lyke to get punctuall obedience by all the ministers of the land.' There could be no question that Scotland was very decidedly throwing its influence on the side of the Parliament at a moment when the fortunes of the Civil War were trembling in the balance. The action of the Commissioners sealed the fate of the compromise.

While the Covenanters were evidently prepared to draw the sword on the side of the Parliament, they were reluctant to do so until they had exhausted every effort to persuade the King to yield to its demand for the abolition of the bishops. Accordingly a Commission of mediation was appointed, composed of representatives of the Estates and Commissioners of the Church. The Commission approached the King at York in February 1643, and the treatment its members received from Charles himself and those who were about him, and from the people of the city, did not win favour for his cause when it was reported in Scotland. 'None durst shew them any sensible favour. In the streets and from the windows they were continually reviled by all sorts of people ; and by their secret friends were desyred to look to their persons ; as if from stabbing

¹ Baillie's *Letters*, ii. p. 58.

or poysn there had been some danger from that enraged partie of Prelats and Papists against whom their commission was expresse.¹

It transpired at this time that there had been a proposal to give the leading Scottish nobles who were with the King a commission to go to Scotland to check any movement on behalf of the Parliament, but that it had fallen through owing to Montrose' jealousy of Hamilton. There were also rumours of an Irish invasion, and of an attempt to seduce a Scottish force which had been sent to Ireland under Munro to assist in putting down the rebellion, and engage it against the Parliament. A Committee of the Estates was called together through Warriston's agency on 22nd June. It was largely attended, especially by the gentlemen of Fife and the West country, and it was unanimous in its support of the Parliament. The Commission of Assembly met at the same time, and sent to the Estates a strong representation of the necessity of raising an army to assist their friends in England in their common danger. This action of the Commission was also due to the instigation of Warriston ; and it was the most decisive step Scotland had yet taken in the making of the history of this period. The King had warned the Covenanters not to meddle with English affairs ; and Royalist nobles had sent a letter to the Queen, urging the despatch of three or four thousand men to Scotland if it was not to be lost to the King's cause. This letter was intercepted, and through Warriston's firmness the nobles who had written it were sharply dealt with by the Estates. The Committee was perplexed by no representatives appearing from the Parliament to plead its own cause, and this was assigned to its reluctance to come under any obligation to Scotland which it might have to repay by concessions in matters of religion. Six weeks after, when the King's cause seemed to be in the ascendant, Baillie wrote : 'For the present the Parliament syde is running down the brae. They would never in earnest call for help till they were irrecoverable : now when all is desperate they cry aloud for our help ; and

¹ Baillie, ii. p. 69.

how willing we are to redeem them with our lives yow shall hear.' The suggestion is that the Parliament feared it might have to pay too great a price for Scottish support by the acceptance of Presbytery, and that it wished that whatever the Scots did might be of their own resolve. Very soon, however, the Parliament gratified its friends in the North by a direct appeal for help. The General Assembly met on the 2nd August, and on the 7th Commissioners from the Parliament arrived at Leith. These included Sir Henry Vane the younger, Milton's friend and the subject of one of his sonnets, and two notable ministers—Marshall and Nye. Their commission gave them full power to treat with the Assembly. They presented a declaration of both Houses of Parliament, setting forth their desire to reform religion, of which they had given proof by abolishing the bishops, and suggesting that the Assembly should appoint some of its members to join with their divines for that end. They also presented two letters—one from the Westminster Assembly, which had been in session for some weeks, inviting the Court to send representatives to take part in its labours, the other from seventy of the Puritan ministers, earnestly entreating help. When the latter was read, it drew tears from many eyes. Reports were abroad that Bristol had been taken and that the King was likely to march to London: it was one of the most depressed moments in the fortunes of the Parliament.

A Committee was appointed to negotiate with the English Commissioners. In the Committee there was a general desire to go to the help of Parliament, the only difference between the members being as to how they were to do it. Should they go as mediators or as supporters of the Parliament? Warriston by his passionate pleading won the day for the latter course. As Pym was the prime mover in England in proposing the alliance between the arms of the Parliament and those of Scotland, so Warriston was the principal man in bringing Scotland to conclude it: together these two were the authors of this master-stroke. 'Warriston his alone,' says Baillie, 'did shew the vanitie

of that motion [to go as mediators] and the impossibilitie of it.'

The English Commissioners were for a civil league, but gave way to the Assembly's preference for a religious covenant. The Moderator, Alexander Henderson, framed a draft of a covenant, but it did not allow an open enough door for Independency to suit the taste of the Commissioners. Here again, however, they had to give way and accept Henderson's draft. A Committee of the Estates sitting at the time also gave its assent. The draft was then brought before the Assembly itself, where it was 'recaived with the greatest applause that ever I saw in anything, with so heartie affection, expressed in the tears of pitie and joy by verie manie grave, wise and old men.'¹ Henderson's draft became, with little alteration, the final form of the Solemn League and Covenant.

The Committee of Estates immediately issued a proclamation publishing the document that was to be the instrument of uniting the national forces to those of the English Parliament, and calling out all fencible men between sixteen and sixty to form an army to co-operate with its allies 'on the southern side of the Border.'

This International Covenant was fashioned on the model of the Scottish National Covenant; and the mighty part the latter had played in the recovery of Scottish liberty became a powerful motive in inducing the English Parliament to adopt the former. When Henderson and Warriston, only five years before, projected the National Covenant, they could scarcely have anticipated that within so short a time it would have such a tremendous effect on the destinies of the two kingdoms.

The Solemn League and Covenant bound those who swore to it to seek the preservation of the reformed religion in Scotland and the reformation of religion in the other two kingdoms in doctrine, worship, and government, according to the Word of God, and the example of the best reformed churches. It was sworn at St. Margaret's, Westminster, on 25th September 1643, by the Parlia-

¹ Baillie, ii. p. 90.

ment, the Scottish Commissioners, and the Westminster Divines.

There is no doubt that the Scots expected that their own Church would be the model on which the English Church would be reconstructed : at the same time, the document itself did not go that length, and both parties were quite aware that it left some open questions.

CHAPTER XIII

THE WESTMINSTER ASSEMBLY

IT will be convenient to embrace in one chapter all that we have to say about this famous Convocation, though it was prolonged through the years and much involved in the political events with which the next two chapters are occupied. The Assembly was called by the authority of the English Parliament under an ordinance of 12th June 1643, and was appointed to meet on 1st July. It was convened for the purpose of settling the government and worship of the Church of England and declaring its doctrine; but in the month of October its commission was enlarged so as to carry out the object of the Solemn League and Covenant and prepare a common platform in religious matters for the three kingdoms. Parliament was to submit to the Assembly all the questions to be discussed, and it reserved the right of final adjudication on them. It nominated the members—151 in all, of whom 121 were divines, 10 members of the Lords, and 20 members of the Commons. The Scottish Commissioners when they joined the Assembly chose to deliberate, without voting, so as to preserve their independence of the English Parliament and treat with it as the representatives of their own kingdom.

Of the divines returned to the Assembly, all but a few were Presbyterians of a more or less pronounced type, so that they had an overwhelming vote. But the minority, by their pre-eminent ability, made up for the smallness of their numbers. There were the Erastians, two of whom, Dr. John Lightfoot and Thomas Coleman, were among the greatest Oriental scholars of their day; while their leader, Selden,

was powerful enough of himself to make his party respected in the Assembly. His erudition was unsurpassed among his contemporaries ; he had taken an active part in public affairs for a quarter of a century ; he was a skilful controversialist ; and he threw himself with all his strength into the debates. There were the Independents—all men of high character, passionate conviction, and great capacity. Their leaders were Dr. Thomas Goodwin, Cromwell's favourite preacher, and perhaps the weightiest theologian in the Assembly, and Philip Nye, who though a divine had a great reputation as an active and far-seeing politician. The Independents had the support of Sir Henry Vane the younger, a man of lofty spirit and aims—a doctrinaire, it is true, and with little constructive power, but, as Cromwell found to his cost, stubborn in resisting any policy that did not accord with his ideals. There were many in the majority who were men of distinction, such as Calamy, and Marshall, and Reynolds, and Vines, and Whitaker, but they were not the equals of those who led the minority. Besides, in the Parliament, which gave final judgment on all questions, the strength of the parties was reversed. There the Erastians and Independents were most powerful, and their power increased as time went on. The English Commons were determined not to transfer the supremacy it had just wrested from one section of the clergy to the hands of another section.

The Scottish Commissioners were Alexander Henderson, Samuel Rutherford, Robert Baillie, Robert Douglas, and George Gillespie—ministers ; and Warriston, the Earl of Cassilis, and Lord Maitland—afterwards the infamous Duke of Lauderdale—elders. Gillespie was their chief debater, and the renown he won in the Assembly is one of the proudly cherished traditions of the Scottish Church. His colleagues spoke in the most glowing terms of the prowess he displayed when matched against the ablest of his antagonists — when crossing swords with the illustrious Selden himself. ‘None in all the Conferences,’ wrote their most diligent penman, ‘did reason more and more pertinently. . . . He has studied so accuratelie all the points

ever yet come to an Assemblie ; he has gotten so readie, so assured, so solid a way of publick debating, that however there be in the Assemblie divines very excellent men, yet in my judgment, there is not one that speaks more rationallie and to the point than that brave youth has ever done.'¹ Warriston was the only elder among the representatives who took part in the discussions. He took his seat in the Assembly early in 1644, but his attendance was often interrupted by the calls made upon him for public service of another kind. 'We got good help of him,' however, when he was present.

Though the Assembly had a formidable mass of work before it, it could not be blamed for perfunctoriness in the way in which it performed any part of it. It sat for over five years, and thrashed out painfully every question that came before it. The length of the discussions outwore the patience of the Scots, who were not unaccustomed to prolixity in their own Church Courts. 'They can put nothing to any point, either in Church or State ; we are vexed and overwearied with their wayes. . . . Nothing in any Assemblie that ever was in the world except Trent like to them. . . . If our neighbours at Edinburgh tasted the sauce wherein we dip our venison at London, their teeth would not water so fast to be here, as some of them doth.'²

The discussions connected with the symbolical books—the Confession of Faith and the Catechism—with the Directory of Worship and the Metrical Version of the Psalms, were tedious enough ; but it was when the Independent and Erastian controversies were entered on—when the crucial questions of the method of Church government and the autonomy of the Church came before the Assembly that the sharpest and most prolonged debates arose. In these debates the two parties put forth all their strength ; and the heat of the controversy within the Assembly was intensified by the imported arguments of a great army of pamphleteers on both sides throughout the country. At first the Scottish Commissioners were in no haste to bring these questions on, but rather sought to postpone them.

¹ Baillie, ii. pp. 119, 159.

² *Ibid.* ii. pp. 164, 207.

They were looking forward to Leslie's army assisting their dialectic: the more indispensable it made itself to the Parliamentary cause, the more likely they were to prevail in the Assembly. But with a different calculation of the effects which the progress of the Civil War would have on the issue, neither were their opponents unwilling to put off the main questions. They knew their strength in the Parliament, and they believed that time was on their side. In the end the Scottish Commissioners came to be as much for expedition as at first they had been for delay, and the pages of Baillie abound in pathetic lamentations over the time consumed by 'the bickerings and strange ruggings' between the Presbyterians and 'the chiefs of the wild and monstrous people,' as he terms the Independents in the Assembly.

There were two occasions in which Warriston took a prominent part in the business of the Assembly. One was when the minority proposed that an Act for the toleration of Independency should be procured in the Commons before the question of the government of the Church was settled. The proposal roused the strong opposition of the Presbyterians, who regarded it as an attempt to limit the original remit to the Assembly, and as a notice on the part of the minority that they would not accept its decision unconditionally. The matter was referred to a Committee, of which the Scottish Commissioners were members, and all of them stoutly resisted the proposal—'my Lord Chancellor [Loudoun] with a spaite [torrent] of divine eloquence, Warriston with the sharp point of manifold arguments, Maitland, Mr. Henderson, Mr. Gillespie and all.'¹

The other occasion was in the Assembly itself and at a late stage in its course, when one of the most important discussions in its history took place over an ordinance of the Parliament which had been procured through the pressure of the minority, for the purpose of setting up a body of civil Commissioners in each county as a Court of Appeal from the Church Courts in cases of discipline. The ordinance was keenly resented by the Presbyterians as an encroachment of the civil power on the spiritual, and the

¹ Baillie, ii. p. 237.

Assembly drew up a remonstrance against it as being contrary to the government Christ had appointed in His Church, and to the provisions of the Solemn League and Covenant; and begged the Parliament to cancel it. The Remonstrance was laid with great stateliness before both Houses, 23rd March 1646. This action of the Assembly gave as much offence to the Erastian members of the Parliament as the ordinance had given to the Assembly itself, and led to a heated debate in the Commons; and it was resolved by a decisive majority to treat the Remonstrance as a breach of privilege. The King's cause was *in extremis*; the New Model Army was master of the country; and the Presbyterian pretensions might now be firmly put down without any danger to the Commonwealth. The resolution of the Commons was laid before the divines by delegates appointed for the purpose on 23rd April, and it was at this juncture that Warriston made his greatest appearance in the Assembly. The speech he delivered on the occasion produced a profound impression on the members, and was remembered as one of the most powerful that had been addressed to them. The situation was a difficult and delicate one; he rose, a stranger and the representative of another kingdom, to urge the members of Assembly to disregard the authority of their own Parliament and to carry out their own convictions of duty in defiance of its threats. He could not have spoken in the circumstances with greater dignity, with less offence to Parliament, with more pains to make it evident that it was only the claim of a higher loyalty that led him to advise the Assembly to adhere to its own ground, in face of the supreme civil authority. He said:—

'Mr. Prolocutor, I am a stranger. I will not meddle with Parliament privileges of another nation nor the breach thereof, but as a Christian man under our common Lord, a ruling elder in another church, and a Parliament man in another kingdome, having a commission both from that church and state, and at the desire of this kingdome, assisting to your debates, I entreat for your favour and patience (seeing at all tymes I cannot attend this reverend meeting, according to my desire) to express my

thoughts of what is before you. In my judgment that is before you which concerns Christ and these kingdoms most and above all, and which will be the chiefest means to end or continue these troubles. . . . I can never be persuaded that they were raised or will be calmed upon the settling of civil rights and priviledges, either of King or Parliament, whatsoever may seeme to be our present success. But I am confident they have a higher rise from above, for the highest end—the settling the crown of Christ in this island to be propagat from island to continent. Untill King Jesus be set down on his throne with his sceptre in his hand, I do not expect God's peace, and so no solid peace from man in these kingdomes ; but that soveraigne truth being established a desirable peace will be found to follow yr. upon. . . .

'Sir, all Christians are bound to give testimony to everie truth when they are called to it ; but ye ar the immediat servants of the Most High—Christ's *precones* and heralds—whose propper function is to proclaim his name, preserve his offices and assert his rights. Christ has had many testimonies given to his prophetical and priestly office by the pleading and suffering of his saincts ; and in thir latter dayes he seems to require the samyne into his kingly office. A king loves testimony to his crowne best of any as that which is tenderest to him : and confessors or martyres for Christ's crowne ar the most royal and most stately of any state martyrs : for although Christ's kingdom be not of this world, and his servants did not fight therefor when he wes to suffer ; yet it is in this world, and for this end was he born. And to this end, that we may give a testimony to the truth amongst others, were we born. . . . But in a peculiar way it lyeth upon you, sir, who hes both your calling from Christ for it, and at the same time a particular calling from man. It is that w^{ch}. the hon^{ble}. houses requires and expects from you, especially at such a time when the settlement of religion depends yr. upon, and when it is the verie controversie of the tyme. . . . And the civil magistrates not only call you before them to averre the truth thereon, but also to give you good examples comes befor yow out of the tenderness of yr. civil trust and dutie to maintain the priviledge of Parliament by the Covenant, and for respect to you to give a testimony asserting of yr. civil rights and priviledge, and to forewarn you lest you break the samen and incurre civil pre-munires. Sir, this should teach us to be as tender, zeallous, and carefull to assist Christ and his Church, their priviledge and right . . . that Christ lives and reigns alone over and in his

Church, and will have all done therein according to his word and will, and that he has given no supreme headship over his Church to any *Pope, King or Parliament whatsoever.*

‘Sir, ye ar often desired to remember the bounds of your commission from man, and not to exceed the samen: I am confident you will make as much conscience not to be deficent in the discharge of your commission from Christ. . . . Wee must not before men mince, hold up, conceal, prudentially waive anything necessary for this testimony . . . nor quit one hoofe, or edge away an hemme of Christ’s robe royal. . . .

‘Truely, sir, I am confident ye will never be in love with a peaceable and external possession that may be granted to the Church, as to conceale, disclaime, or invert your Master’s right. That were to lose the substance for the circumstance, to disserve and dethrone Christ, to serve yourselves and enthrone others in his place. . . . Sir, we may heare much of breach of priviledge and covenant in relation to civile rights. Let us remember in the Covenant the three ends in the title and preface, three maine duties in the body, and the three effects in the close. The Covenant began with the advancement and ends with the enlargement of the kingdome of Christ as the substantiall and overword of the whole. The first article of the sevin is Christ’s article, lyke *dies dominica* in the week, all the rest ar *in Domino* and *subordinat yunto*, and *subordinata non pregnant*. . . . Christ’s throne is highest and his priviledge supreme as only king and head of his Church, albeit kings and magistrates may be members in it. . . . Is it so small a thing to have the sworde that they must have the keyes also? *Quae Deus sejunxit homo ne jungat.* . . .

‘Sir, I will only close this by reminding you of two passages of your letter, sent by orders of the House of Commons to the Generall Assembly of the Church of Scotland that ye will sett out such a discipline as to the utmost of your power ye may exalt Christ, the only lord over the Church, his own house, in all his offices, and present this Church as a chast virgine to Christ. And for this end that ye were not restrained by the Houses in your votes and resolutions, nor bound up to the sense of others, nor to carry on privat designes in anie servile way; but by your oath new formed against all fettering of your judgments, and engaged y^r.by according to the Houses’ desire, to use all freedome becoming the integrity of your conscience, weight of the cause, and the gravity and honour of such an Assembly.’

In these words Warriston rang out in the presence of the

English divines and representatives of the English Parliament those claims of the Church of Christ to self-government and independence of the civil authority which, from the days of Melville to those of Chalmers, have been so effectively and persistently declared on the floor of the General Assembly. The King's headship over the Church, which up to this period was scarcely questioned in England, had never for a moment been admitted in Scotland. And while we believe that what is now known as the Voluntary principle is the only one that conserves the spiritual authority of the Church, and that the position of all Presbyterians who claim or accept a legal establishment for their Church is incompatible with that authority, we must remember that final principles are not reached in a day, and we must honour those who moved in the direction of them and made the roads by which we have reached them.

The Presbyterians in the end carried the day in the Assembly, the adoption of their system passed the Parliament, and a beginning was made with its actual operation in London and Lancashire. There was one difference, however, between the new government which Parliament enacted for the English Church and the government of the Scottish Church; in the former all the ecclesiastical Courts were to be controlled by the Parliament. That was a vital difference. The opponents of Presbytery might have said of the addition it made to the power of the State—‘the little more, and how much it is!’ and the Presbyterians, of the subtraction it made from the liberty of the Church—‘the little less, and what worlds away!’

The victory of the Presbyterians was only, after all, an academic one. A greater power had arisen in the country than the Parliament, and one that was hostile to their aims. The great struggle the nation was passing through had roused too strong a passion for liberty in those who had felt the tyranny of the hierarchy to allow them willingly to replace it by any enforced uniformity in religion. They could not return to any system that would repress individual freedom in religious thought and life. There is no doubt that what led the Erastians and the Independents to offer

so determined a resistance to the establishment of Presbyterianism was the fear that it would prove to be as little in accord with the genius of liberty as the system it was seeking to supplant. The *Five Dissenting Brethren* of the Westminster Assembly—as the Independents, Goodwin, Nye, Burroughs, Bridge, and Simpson, were called—had all been refugees in Holland during Laud's ascendancy, and they were honestly afraid that if the new platform of uniformity were set up they would once more be driven into exile. Among the Independents generally and all who were allied to them in religious conviction there was a dread of Presbyterian rigours, and as the Assembly proceeded and the Civil War developed their distrust of the Presbyterians grew. We see no sufficient ground for believing the common assertion that the Scots were tricked by their English allies in the matter of uniformity in religion, and that the holding out of such a hope was only a bait to secure the help of the Scots till their own ends were served. We believe that the English were quite honest in their conduct, but that as they came into closer quarters with the Presbyterians and understood their aspirations better, they could not, consistently with their own views of religious liberty which the spirit of the times tended to expand, impose Presbyterianism on the nation without modifications which its representatives were not prepared to accept. The essence of their objection to the system is contained in Milton's sonnet on 'The New Forcers of Conscience in the Long Parliament.' Milton himself, to begin with, was not opposed to Presbytery; and as little was Cromwell. Both swore the Solemn League and Covenant. Neither was a doctrinaire, whether in matters of Church or State; and especially is this true of Cromwell—that great maker of our liberties. What made him oppose Presbyterianism? What made him prefer Independency? 'Verily I think, if I be not partial, if there be a freedom of judgment, it is there.' That was the reason as given by himself. He aimed at a more comprehensive Church than the Presbyterians would allow; such toleration as he desired was not to their minds. 'The great shott of Cromwell and Vane,' says Baillie, 'is to have

a libertie for all religions without exception ;' and he adds that he would leave it to his friends to perceive from that design of the enemy what need he and his brethren in London had of their prayers ! The English Presbyterians were of the same mind as Baillie. Their London ministers declared in 1645 : ' we detest and allow no such toleration.' It was in the army, and especially among the Ironsides, that the new force of Dissent was strongest ; and it was to protect these honest men from the imposition of the Covenant that their Chief made his resolute stand against the new uniformity. He and those who stood with him in the same spirit need no vindication at our hands—they were the truest friends of every right interest, alike of Church and State, both in England and Scotland.

At the same time, it is only fair to the Presbyterians to allow that they saw a real danger in a heterogeneous national Church, and that they were right in thinking that as soon as the government of the nation was settled such a Church would fall in pieces, and the ancient Church with its attractions of historical prescription and orderliness be welcomed again by the English people. Whether Presbyterianism as a *via media* could have maintained itself in the land and gradually weaned the people from Episcopacy and secured their permanent attachment, is a question we need not discuss. In any case the English Dissenters could not do other than they did ; and they are to be honoured with all those who have promoted freedom by refusing an immediate and a partial victory for a distant, but when it came a more complete and more permanent, triumph. The Scottish Presbyterians lost nothing by their failure. In assisting those who at the time disappointed them, they helped the growth in the neighbouring kingdom of that section of the nation which ultimately deposed the dynasty that had so long menaced the liberties of their own Church and kingdom, and which has ever since shown the warmest sympathy with all that has been best in the religious and political life of Scotland.

We have only dealt, as was our purpose, with the ecclesiastico - political questions which came before the

Westminster Assembly. Its theological labours and productions take rank with those of the great historic Councils of the Church ; and the chief symbolical book that bears its name has proved to be the most vital of all the Calvinistic Confessions. We can scarcely exaggerate the theological and religious results of the Assembly in Scotland. It gave her the system of doctrine and the metrical version of the Psalter, which through all the generations since have continued to shape the religious thought of her people and to nourish their piety.

CHAPTER XIV

THE ANGLO-SCOTTISH ALLIANCE IN THE FIRST CIVIL WAR

THE alliance was formed, as we saw in the chapter before last, in the autumn of 1643. Immediately thereafter a Committee of both kingdoms was appointed to direct the two armies for the objects set forth in the Solemn League and Covenant, and the indispensable Warriston was one of its members. The Scottish army crossed the Tweed in January 1644, and it was in the same month, four years after, that it evacuated England. These were anxious years for the Scottish members of the Joint Committee, and a heavy share of their labours fell on Warriston. The policy of the Presbyterians of both kingdoms was to bring Charles to terms, and to pursue the war only to such a point as would secure the establishment of their own ecclesiastical system. The only way in which it could succeed was by the Scots making the Parliament feel its dependence on their army. From the moment it entered England the Scottish Commissioners at Westminster showed the greatest anxiety that it should come to the front in the struggle. Their first hope was that it would capture Newcastle, a hope which was not realised till October 1644. But before that town capitulated, the portion of the allied army under David Leslie vied at Marston Moor, 2nd July 1644, with Cromwell's Ironsides in the honours of the victory. The Scots were aggrieved by the way in which their army's share of that day's work was ignored by their English friends;¹ and that, not merely

¹ Baillie, ii. pp. 203, 207.

because their patriotic pride was hurt, but because they felt their political power would suffer from the depreciation of their military strength.

The first attempt of the Joint Committee to arrange with the King was that which is known as the Treaty of Uxbridge, the articles of which were drawn up, for the most part, by Warriston.¹ There were long negotiations, but these were without result, the King not having yet given up hope of recovering his lost ground. Though in 1644 and the year following, the fortunes of war went heavily against him in England, Montrose' victories in Scotland, which met no check till David Leslie took the field and crushed his forces at a stroke at Philiphaugh, in September 1645, stiffened the King's back. In October 1644 the Parliamentary army gained their victory over the Royalists in the second battle fought at Newbury, but did not pursue it, from the reluctance of Manchester, who was in command, to inflict a crushing blow on the King. This led to a rupture between him and Cromwell, which gave a new turn to the war. To secure its more thorough prosecution, Cromwell proposed the New Model Army, which was composed of men who were 'not afraid to conquer.' The Scottish Commissioners and the English Presbyterian party now sought more than ever to come to terms with the King; but the crowning victory of Cromwell at Naseby, 14th June 1645, followed as it was by the extinction of Montrose' army in Scotland, ended the First Civil War and threw the political power of the kingdom more than ever into the hands of the English army. After some months of a vain struggle, the King sought refuge with the Scottish army at Newark in May 1646. In the interval between Naseby and Charles betaking himself to their camp, the Scottish members of the Joint Committee pressed for a renewal of the Treaty of peace with the King; but the Parliament was unwilling to move. The King's carriage had been captured at Naseby, and a cabinet had been found in it containing letters that seriously compromised his honour, revealing as they did his efforts to bring alien armies from Ireland and the Continent

¹ Baillie, ii. p. 172.

to retrieve his position in England. The Scots had to acknowledge that there was in them 'a world of things to increase his disgrace,'¹ and the Parliament urged the need of caution in dealing with him after such disclosures. The Scots, on the other hand, argued that the disclosures would assist a Treaty by humbling the King and making him amenable to reason. If he continued stubborn and refused terms, he could not stand out longer against the forces of the Parliament. Charles' policy at the time was to foster jealousy between the Presbyterians and the Independents, and so he intrigued with both. These two parties had so little confidence in each other that the Scots were afraid of the English taking the King forcibly out of their hand: the moment Charles had surrendered himself at Newark, Leslie had retired to Newcastle, in order to make his prize more secure from such an attempt. 'The King's being with us makes them [the Independents] madd,' says Baillie. The Presbyterians in the Parliament, on the other hand, were delighted. Now that Charles was in the hands of the Scots, they had good hopes that he would come to terms.

It was decided, at length, that negotiations with the King should be resumed, and so Parliament approached him, proposing as the terms of a settlement, that it should have the control of the army and navy for twenty years, that all Malignants should be excluded from civil and military offices, that Episcopacy should be abolished and Presbytery established. The Scottish Commissioners pressed the King with tears to yield to these terms. They felt that the Covenant, even at that eleventh hour, would 'do all his business'; but that if he refused it, his hopes for recovering his power would for ever pass away. No one strove harder than Warriston for this Treaty. 'All the Royalists in Scotland could not have pleaded so much for the Crown and the King's just power:'² and he pleaded as earnestly with the King to recognise that the Treaty gave him all his rights. Charles, however, would not give way—the Covenant was too bitter a pill for him to swallow. Moreover, he still had hopes of bringing the two sections

¹ Baillie, ii. p. 289.

² *Ibid.* ii. p. 368.

of his opponents to a rupture, and of persuading one or other to join with him in preventing its rival gaining the ascendancy. When the negotiations fell to the ground, one of the Presbyterians asked, 'What will become of us now that the King has rejected the proposals?' when one of the Independents replied, 'What would have become of us if he had accepted them?'¹

In the month of October Charles proposed as a pacification that he should agree to establish Presbytery for three years, during which time the government to be permanently adopted in the Church might be discussed and finally settled; but this was too patent a device to give him time to recover his own position. Though rejected at the time, it was accepted in January (1647) by the leading Presbyterians in the Parliament. This made it plain that they now feared more the ascendancy of the Independents than the restoration of the King's absolute authority, which they had united with that party to overthrow. Their next move was to get rid of the army, which they knew would resist such a settlement; and as they could not well propose such a step, so long as the Scottish army remained in England, they resolved to negotiate with the latter to leave the country. The Scots had nothing to gain by remaining, and so, accepting the terms offered for their share of the cost of the Civil War, they evacuated Newcastle and marched for the Border in the end of January 1647.

There were two letters written at this date by Patrick Maule, Earl of Panmure, to Warriston which show how bitterly the King resented the part the latter had taken in the recent negotiations. In the first—dated 2nd January 1647—the writer says:—

'The informations which have been made against you in your violence against his Majesty have taken such impressions that no man can be heard to speak to the contrary, for the ground that you go upon is so far contrary to his resolution, let the envier be never so much for his good; they that press him to condescend to the Covenant, he thinks that they seek his

¹ Green's *Short History of the English People*, p. 546.

ruin. What reports have been made by your speeches, both public and private, your Lady can inform you. . . . Your Lady would not go to kiss his Majesty's hands ; she had her own reasons for it, which I could not but submit to, since it was her pleasure.'¹

The second letter, dated 23rd January 1647, says :—

'I find by his Majesty, that though what is done was past both in Committee and Parliament, yet he attributed the carriage thereof to particular persons, who have endeavoured to their uttermost his ruin, and he cannot but acknowledge their intentions to his good that voted to the contrary, though they did not carry it ; in this particular you have your own part of the blame, which is unnecessary for me to write more of it. But I assure you he doth not think that you have discharged the duty and respect to him that he hath deserved and expected from you. . . . His Majesty is resolved for the worst and will suffer anything before he condescend to the Covenant ; and it is thought the Parliament of England will not be so rigid in that point as the Parliament of Scotland is. If his Majesty be once from us, it will be found that we have but an ill game to play ; and I pray God we have not cause to repent our proceedings when it is too late ; for certainly his Majesty's affection will be alienated from the nation, and it will be found that we have little [help or pity] from the kingdom of England. His Majesty thinks himself little obliged to your nation, but more disobliged to some particulars than to the general, and I am confident he will study to resent it ; yet I shall never leave endeavouring to give him the best impressions, both of you and your friends, that I can think upon, at all occasions ; if it do no good, I am sure it will do no ill. I have written so oft and so fairly, both to my Lord of Argyle and you, of this and all other things, that I can add nothing thereto.'²

In the Acts of Parliament belonging to the years from the formation of the Anglo-Scottish alliance to March 1647, Warriston's name frequently occurs. During that period he sat for the county of Edinburgh and was Speaker of the barons. Most of the minutes in which he is mentioned refer to the various commissions to which he was appointed.

¹ Hailes' *Memorials*, ii. p. 185.

² *Ibid.* ii. p. 188.

On 27th November 1645 he took action in the House for excluding certain members—Lords Johnston and Ogilvy, Sir John Hay and Sir Robert Spottiswood—on the ground of their compliance with the enemies of the kingdom;¹ and on the following day he was appointed one of the *Triers* of the accused. The minutes of 4th December contain a protest against the trial proceeding, which was made on several grounds, and especially on account of the appointment of Warriston as one of those who were to try the four members, inasmuch as he had prejudged them and so declared himself a party in the case. Lord Johnston did not join in that part of the protest. Did he expect that Warriston's Annandale connection would incline him to judge the head of the Johnstons leniently?

On 7th November 1646 there is a minute of his appointment as King's Advocate in room of Sir Thomas Hope. On 22nd March there is another of a warrant to pay him £3000. The grant was made at the instance of the Chancellor, Loudoun, as an honorarium on account of his 'extraordinary pains and singular deservings.' The minute bears that Warriston 'had expendit life and his fortune in the service of the publict from the beginning and in the whole progress of the blessed work of reformation bothe in this kingdom and in England, whereby he has exhausted his whole patrimony.'²

¹ *Acts of Parliament*, vol. vi. part i. 475b.

² *Ibid.* vol. vi. part ii. p. 772b.

CHAPTER XV

THE ENGAGEMENT

WHEN Leslie's army returned home in January 1647, the King, who was still in its hands, was anxious to accompany it, and friends in Scotland tried hard to get the nation to invite him; but the General Assembly peremptorily refused to receive him till he accepted the Covenant; and its firmness ended the project. He was handed over to a Committee of the English Parliament, by whom he was removed to Holmsby House, in Northamptonshire, to remain there till he had satisfied both kingdoms. He was much chagrined by the action of the Scots at this time, but from the moment it was decided that he should be transferred to the keeping of the Parliament, he seems to have conceived the hope that in his new position he would be able to carry on his policy of creating division between the parties opposed to his government, and with more effect than hitherto. At the close of the second letter of the Earl of Panmure to Warriston, quoted in last chapter, his lordship says: 'His Majesty is so well resolved now for his going to Holmsby as ever I saw him for anything. He thinks that the Scots have sold him at too cheap a rate. If our posterity find not the smart thereof, it is well. But he says that we have absolutely quitted our interest in him.'¹

The Scottish army being now out of the way, the Presbyterians in the Parliament moved forward with their policy. They voted that the existing army should be disbanded and a new one raised with Presbyterian officers

¹ Hailes' *Memorials*, ii. p. 188.

at its head. But the army had its own views on the subject. The soldiers for the most part had served at their own charges and their pecuniary claims on the Parliament remained to be settled. They had besides a loftier reason for their disobedience. They had drawn their swords to secure the liberties of the kingdom, and they could not sheathe them till they had accomplished their object. In a letter addressed by the heads of the army to the Lord Mayor, Aldermen, and Common Council of the City of London in June 1647, they stated the grounds of their refusal to disband :—

‘ As for the thing we insist upon as Englishmen—and surely our being soldiers hath not stript us of that interest, although our malicious enemies would have it so—we desire a settlement of the Peace of the Kingdom and of the Liberties of the Subject according to the Votes and Declarations of Parliament, which *before* we took arms, were by the Parliament used as arguments and inducements to invite us and divers of our dear friends out ; some of whom have lost their lives in this war. Which, being now, by God’s blessing finished—we think we have as much right to demand and desire to see a happy Settlement, as we have to our money and to the other common interests of soldiers which we have insisted upon. We find also the ingenious and honest People in almost all parts of the kingdom where we come, full of the sense of ruin and misery, if the Army should be disbanded *before* the Peace of the Kingdom and those other things before mentioned, have a full and perfect settlement.

‘ We have said before, and profess it now, we desire no alteration of the Civil Government. As little do we desire to interrupt, or in the least to intermeddle with the settling of the Presbyterian Government. Nor did we seek to open a way for licentious liberty under pretence of obtaining ease for tender consciences. We profess, as ever in these things, when once the state has made a Settlement, we have nothing to say but submit or suffer. Only we could wish that every good citizen and every man who walks peaceable in a blameless conversation and is beneficial to the Commonwealth, might have liberty and encouragement ; this being according to the true policy of all States and even to justice itself.’¹

¹ Carlyle’s *Cromwell*, i. p. 229.

On its reaching the ears of the Council of Officers which the army had appointed to protect its interests, that a new army was to be raised and the King brought to London, five hundred men under the command of Cornet Joyce seized the King at Holmsby House and bore him off to Newmarket. The seizure was not displeasing to Charles, who hoped it would foment the differences between the army and the Parliament. Cromwell, who had endeavoured for some time to mediate between these two bodies, was compelled to act at this juncture with those who had borne along with himself the brunt of the Civil War. The army marched on London and laid an *Humble Representation* of their case before the two Houses of Parliament, in which they claimed a settlement of the government, in accordance with the promises, votes, and declarations of Parliament. They repudiated, as before, any desire to touch the monarchy or the Presbyterian government of the Church, but at the same time insisted on toleration. They demanded the expulsion from the Commons of eleven members with Denzil Holles at their head, as the breeders of trouble between themselves and the Parliament. The *Humble Representation* was referred to a Committee. The heads of the army then sought to deal directly with the King. Ireton, Cromwell's son-in-law, was the principal agent in the negotiations; but Cromwell supported him in all that he did, for there was no man in England less disposed than Cromwell to overthrow the monarchy so long as there was a shred of hope that Charles would consent to rule as a constitutional sovereign. The terms which Ireton submitted to the King—the *Heads of Proposals*, as they were called—were no more than were necessary to secure the liberties of the kingdom, in the event of Charles being again entrusted with the government. They included an Act of Oblivion for all save a few of the principal Malcontents, Parliamentary control of the army and navy and appointment of the chief officers of state, triennial Parliaments, electoral reform, a juster taxation, a simplification of the law, and the abolition of privileged interests. As regards

the Church, they provided against all compulsion in religion. Charles was not disposed to treat on these terms, as he counted on the army being induced to help him back to power on his own terms, in order to save itself from the Parliament. While the negotiations were proceeding, it came to his ears that the discontent of the army was becoming uncontrollable, and that his refusal of the terms proposed by the Council had driven them to think of extreme measures, including the overthrow of the throne and the bringing of Charles himself to justice ; on which he fled from Hampton Court, whither he had been brought for convenience in negotiating, to Carisbrooke Castle in the Isle of Wight. His flight took place on 11th November 1647, and he remained as a prisoner at Carisbrooke for more than a year.

Before the end of 1647 the King made the secret Treaty known as the Engagement with a number of the Scottish Commissioners, including Loudoun, Lanark, and Lauderdale. The terms on his part were the same as those offered to the Presbyterians of the English Parliament in the previous October—namely, that when restored to power he would give Presbyterianism a trial for three years ; and on the part of the Scots, that they would raise an army to invade England and join the Royalists and Presbyterians in that kingdom in reinstating the King. It was this Treaty that sealed Charles' fate. From the moment it was disclosed and he was known to be conspiring to bring on war between the two kingdoms, the army saw that the only course to secure the ends for which it had made such sacrifices was to arraign him for his crimes against the country.

The news of the Carisbrooke Treaty and the report that the terms were satisfactory in the matter of religion awakened great enthusiasm in Scotland. The Scots had been anxious in regard to the negotiations between the King and the army. They felt that should these succeed, there would be nothing left to themselves but 'to be quiet and look to God'—not a plight for such self-pity, one might have thought ! There was a corresponding sense of relief when

they heard that their own Commissioners had succeeded in the negotiations. These feelings, however, were of short duration. When Loudoun and Lauderdale returned to Scotland, it came out that the terms of the Treaty were very different from what had been reported, and that the Commissioners had accepted less from the King and given more than the nation would stand to. There was keen disappointment, and the Commissioners were much blamed. The first to declare themselves regarding the Treaty were the ministers, who were strongly opposed to it. The Commission of Assembly pronounced against the inadequacy of the King's concessions in religion, and 'the pulpits sounded loud' on the same side. But when Parliament met, it was found that the members were overwhelmingly in favour of the Treaty. The nobles, who were present in unusually large numbers, were nearly all Engagers. Argyle, Balmerino, Loudoun (who had now abandoned his fellow-Commissioners at Carisbrooke), and a few others constituted the minority. The majority of the barons were Engagers; the burgesses were about equally divided; but the representatives of the larger towns were Engagers. The chief spokesmen of the minority were Argyle and Warriston.

The majority in the Parliament were anxious to effect a compromise with the ministers and secure their support for the Treaty; and for this purpose they asked and obtained a Conference between six of their own number and six members of the Assembly. Warriston was not sent to the Conference, but before it met he and others drew up a new oath of association to be imposed on all to whom the nation should entrust the prosecution of the object of the Covenant at the present crisis. It was too strict, even for those members of the Conference who were most friendly to its authors, but it could not be ignored, coming as it did from such an influential quarter, and it imported a fresh difficulty into the situation. A new step, however, taken by the Parliament, brought the Conference to an end. This was the resolution to which it came, at the instigation of the hottest-headed of the Engagers, to seize the garrisons at

Berwick and Carlisle. The result was the uniting and strengthening of the Non-Engagers (or Remonstrants, as they were also called) throughout the country. Many of the shires sent in petitions against the Engagement, and their example was followed by the burghs, and also by presbyteries and synods. David Leslie and the other officers of the army declared they would not move till the Kirk was satisfied. In the West the popular feeling was especially keen, and in the course of the controversy a body of Clydesdale men who had assembled on Mauchline Moor by way of demonstration against the Engagers had a serious brush with a party of their soldiers. On 12th July the Assembly met to consider the question of the hour. It supported the action that had been taken by its own Commission, condemned the Engagement, ordered all the ministers to preach against it, and passed a declaration in accordance with their own finding for publication in both kingdoms. There were certain leaders who were conspicuous by their absence from this Assembly. Among these were Argyle, Loudoun, and Warriston. The two first stayed away that they might escape subscribing to a bond imposed by the Parliament requiring the subjects to support the levy for the army. Warriston's reason was different. Eight of the ministers were to be brought to the bar of the Assembly on the charge of instigating the Mauchline Gathering, and it fell to him, as Procurator of the Church, to conduct the prosecution. It was impossible for him to do so, believing as he did that the prosecution was unjust, and so he did not appear at the Assembly. Baillie is our authority for assigning his absence to this cause. He says: 'The good advocate being resolved in his mind if he had been put to it, to have pleaded for the ministers and not against them, was, with much ado, moved by his friends to lurk for some time till the storme went over.' He went to Cantyre as the guest of Argyle.

Hamilton led the Engagers' forces into England, but was defeated at a stroke by Cromwell at Preston, August 1648; and 'the Whiggamore Raid' immediately followed. Six thousand men of the West country under Eglinton

marched from Mauchline to Edinburgh, where they occupied Salisbury Crags, while old Leven held the Castle in the same interest. The Whiggamore Raid placed the government of the country in the hands of the Remonstrants, with Argyle at their head. Before crossing the Border after Preston, to secure the interests of the Parliament in Scotland, Cromwell came to a cordial understanding with Argyle as to the object of his invasion. On Wednesday, 4th October, he arrived in Edinburgh, and lodged at Moray House. His business with the Estates was quickly arranged. He laid a demand before them for the disqualification of Malignants for all public service, which was immediately granted, their compliance being conveyed to him by Warriston, Cassilis, and two other gentlemen. On the Saturday he was banqueted at the Castle, Leven presiding. The following week, on his way south, he wrote to the Speaker of the Commons, assuring the House that the affairs of Scotland were in a 'thriving posture,' that 'good elections' were going on, that the Estates were to raise 4000 horse and foot, and that meanwhile he was leaving Major-General Lambert, with sufficient troops, to hold the country. He himself had received 'noble entertainment,' and he left Scotland with the confidence that henceforth it would be 'a better neighbour to England.'

The Estates met in January 1649, and passed the Act of Classes, disqualifying Malignants for any service of the State, till they satisfied the Kirk. It was moved by Argyle and seconded by Warriston, who was its author. 'The Marquis of Argyle had a very long speech, consisting of 5 heads, which he called the breaking of the Malignants' teeth, and he who came after him [Warriston] would break their jaws. . . . Warriston, the King's advocate, after the Marquis of Argyle had ended, read a speech two hours in length off his paper, being an explanation of Argyle's five heads of teeth, as he named them, with the answering of such objects he thought the prime Engagers would make on them in defence.'¹

¹ Balfour, iii. p. 377.

In the same month as that in which the Argyle Government passed the Acts of Classes and sealed its alliance with Cromwell, the peaceful relations between the two kingdoms were destroyed by the execution of the King.

CHAPTER XVI

CROMWELL'S INVASION OF SCOTLAND

WHILE resisting the tyranny of Charles I. the Covenanters had never ceased to protest their attachment to the monarchy, and at any moment they would have been ready to defend the King's person and authority had he given them security that he would respect the rights of the Church and the nation. The execution of the King divided them from their English friends; when Charles II. was proclaimed a few days after, it was with the goodwill of the whole nation; and the Covenanters now turned to him for the realisation of the hopes which his father had so often and so bitterly disappointed. Before receiving him, however, in Scotland and engaging in another war on his behalf, they were resolved to pledge him to rule in accordance with their desires. The first body of Commissioners who visited him with this object on the Continent returned with a report of failure. The Hague Conference was fruitless. Charles' 'great sticke' was at the Covenant, which covered the Scots' demands. They would be content with nothing less, and for Charles to be hesitant here was to bring the negotiations to a deadlock. He was sanguine of being brought to the throne, without being indebted to those who would make his tenure of it intolerable. The Conference held at Breda in the following year had a different result. In the interval Charles' hopes from Ireland and from Montrose' rising in Scotland had been blasted: the party represented by the Commissioners was now the only string to his bow, and he swallowed the Covenant. When he reached Scotland in June 1650, he was pledged to that

symbol of the nation's aspirations, and after his arrival became doubly pledged by a formal repudiation of his father and mother's malignancy. These transactions were more disgraceful to the national leaders than to Charles himself, knowing as they did the hollowness of his profession. There were some of the leaders who were not responsible for them and who strongly opposed them. Of these Warriston was the chief, and the others—among them James Guthrie, Sir John Chiesley of Kerswall, Sir John Swinton—were men who were closely identified with him in public affairs all through. So ill at ease were the consciences of those who were responsible, that when they came to make war for Charles, they would not allow him to accompany the army, lest by his presence they should incur the displeasure of the God of battles! We know how inept their consciences appeared to Cromwell, who always saw through the wrappings of things to their soul and substance. Carlyle puts the situation in a sentence: 'Given a divine law of the Bible in one hand and a Stuart king, Charles I. or II., in the other, when did history ever present a more irreducible case of equations in this world?' In parting with Cromwell and joining Charles, the Scottish Presbyterians threw away the kernel for the husk. They have often erred in binding their faith to documents and trusting to the security of legal enactments, but never so egregiously as in this instance. And dear was the price they paid for their folly. 'The killing time' was the penalty. How true was Milton's warning: 'Woe be to you Presbyterians especially, if ever any of Charles' race recover the English sceptre. Believe me, you shall pay all the reckoning!'

Cromwell had no course left but to strike at the fresh Stuart movement in Scotland. But never did he enter on war with such reluctance—never did he unsheathe his sword with such a grudge as when it was to fight against the Covenanters, with whom he felt he was knit together in the same essential interests. He exhausted every argument to avert the collision; and it was only when argument failed, when his passionate appeals to them 'in

the bowels of Christ to think it possible they might be mistaken' proved unavailing, that he made them feel the weight of his hand on the field of battle. It needed crass minds and inexplicable consciences on their part not to feel the tremendous force of his remonstrances. In a letter to General Leslie from the camp at Pentland he wrote :—

'We return you this answer by which I hope it will appear that we continue the same we have professed ourselves to the Honest People in Scotland, wishing to them as to our own souls ; it being no part of our business to hinder any of them from worshipping God in the way they are satisfied in their consciences by the word of God they ought, though different from us ; but shall thereto be ready to perform what obligation is upon us by the Covenant. But that, under pressure of the Covenant, mistaken and wrested from the most native intent and equity thereof, a king should be taken and imposed upon us ; and this be called "the cause of God and His Kingdom," and this done upon the satisfaction of God's people in both nations, as is alleged, together with a disowning of Malignants, although he who is the head of them, in whom all their hope and comfort is, be received ; who at this very instant hath a Popish army fighting for him and under him in Ireland . . . and strong commissions by the Malignants in England to raise armies in our bowels. How the godly interest you pretend you have received him upon and the Malignants' interest in their ends and consequences can be secured, we cannot discern. . . . All those Malignants take their confidence and encouragement from the late transaction of your Kirk and State with your King. . . . We commit both you and ourselves to Him who knows the heart and tries the reins ; with whom are all our ways ; who is able to do for us and you above what we know ; which we desire may be much, in mercy to this poor people and to the glory of his great name.'¹

Whatever hopes Cromwell might justly cherish from such cogent reasonings and generous appeals were disappointed. A fortnight after the date of the letter to Leslie—on 3rd September 1650—the Scottish army was routed at Dunbar. The blame has been generally laid at the door

¹ Carlyle's *Cromwell*, ii. 172.

of the ministers who were attached to the Council of War, and for many reasons; but these are by no means conclusive. One is that by weeding the army of Malignants, they excluded the best fighting men from it and left only 'sanctified creatures, who hardly ever saw or heard of any sword, but the sword of the Spirit.'¹ In other words, the ministers repeated Gideon's method of strengthening their army by reducing its numbers, but the miracle in this case did not come off! But was it not the ministers who urged Leslie to come down from the Doon and risk a battle in the valley? Burnet gives some ground for this charge by speaking of certain members of the Committee of Kirk and State being 'too hot,' and especially his uncle, Warriston. That was a fault of Warriston, whatever the business he had in hand, and Leslie was no favourite of his. But Warriston, though 'a sanctified creature,' was not a minister. Carlyle thought it most likely that it was 'Royalist civil dignitaries' in the camp who pressed Leslie, of whose caution they had grown impatient. However the blame for the military blunder at Dunbar is to be apportioned, there can be no question that it was the ministers who made the greatest political mistake in the war. It was a short-sighted policy for them to support Charles against Cromwell. Had they, when they were camped on the Doon, and when they looked seawards to the Bass, foreseen that the King for whom they were fighting, as soon as he ascended the throne would reward their struggles on his behalf by caging many of them in that gloomy rock and other 'strong houses' throughout the land, would they have so ardently desired a victory over Cromwell? Or would they, if they had known Cromwell's real spirit toward themselves? Writing, immediately after Dunbar, to his son-in-law, Ireton, he says: 'We have been engaged in a service, the fullest of trial ever poor creatures were put upon. We made great professions of love, knowing we were to deal with many who were godly. . . . Our bowels were pierced again and again; the Lord helped us to meet words, and in sincerity to mean them. We were

¹ Peterkin's *Records*, p. 623: the words are Sir Edward Walker's.

rejected again and again ; but still we begged to be believed that we loved them as our own souls ; they often returned evil for good.' Afterwards, he spoke of Dunbar in the same way : ' Some who were godly were then fought into their graves, and of all the acts of my public life, it is that in which I have the least quiet.'

A few days after the battle Cromwell and his army reached Edinburgh. The ministers of the city had taken refuge in the Castle, and one of his first acts was to write to Dundas, the Governor, to grant liberty to them to leave it and preach in their several churches. The ministers refused the offer and complained of persecution, and also of what they were pleased to call 'the usurping' of the ministry by Cromwell's officers and soldiers, who occasionally preached in their churches. For answer Cromwell wrote a noble vindication of the liberty of prophesying, in which at the same time he makes the most generous allowance for the prejudices of his opponents. After a reply to the charges contained in the ministers' letter, in the course of which he turns round upon them and asks, ' Who hath been the truest fulfillers of the Covenant, of its most real and equitable ends ? ' he goes on :—

' You say you have great cause to regret that men of civil employments usurp the calling and employment of the ministry. Are you troubled that Christ is preached ? Is preaching so exclusively your function ? Is it against the Covenant ? Away with the Covenant if this be so. Where do you find in the Scriptures a ground to warrant such assertion ? . . . I hope He that ascended up on high may give his gifts to whom he pleases ; and if these gifts be the seal of mission, be not you envious, though Eldad and Medad prophesy. . . . Appropriation [ordination] is an act of convenience in respect to order, not of necessity to give faculty to preach the Gospel. Your pretended fear that error should set in is like the man who would keep all wine out of the country lest men should be drunk. It will be found an unjust and unwise jealousy to deprive a man of his natural liberty upon a supposition he may abuse it. When he doth abuse it, judge. And if you will call our speakings together since we came to Scotland—to provoke one

another to love and good works . . . and to charity and love towards you . . . if you will call things scandalous to the Kirk and against the Covenant because done by men of civil callings, we rejoice in these, notwithstanding what you say. . . . I beseech you in the bowels of Christ, search after the mind of the Lord . . . and we shall help you by our prayers that you may find it out, for yet (if we know our hearts at all) our bowels do in Christ Jesus yearn after the godly in Scotland. We know there are stumbling-blocks which hinder you ; the personal prejudice you have taken up against us and our ways, wherein we cannot but think some occasion has been given, and for which we mourn ; the apprehension you have that we have hindered the glorious reformation you think you were upon ; I am persuaded that these and such like bend you from an understanding and yielding to the mind of God in the great day of the power and visitation.¹

With this letter the correspondence closed, and Cromwell resumed hostilities. Leslie's army meanwhile had gone North and was rallying at Stirling.

There were great heart-searchings among the Covenanters as to the causes of the defeat of their arms.² Some of them ascribed it to the insufficient purgation of the army, severe as it had been, and proposed to rectify the evil by making it still more drastic. They took a bold step in this direction by urging the deposition of the head of the army, David Leslie ; and when the Estates refused, they protested. Among those who joined in this action were Warriston and James Guthrie. It was surely too rigorous a test, even from the Covenanters' point of view, that required them to exclude Leslie ; and it is difficult to defend those who urged it, and to deny that they were precisians. There is nothing to show that Leslie was undeserving of their confidence. His career, not only as a soldier but as a Covenanter, had been an honourable one. The spirit of the man may be seen from a letter he sent to friends in Scotland when he was with the army at Durham. Its only date is '15th December,'

¹ Carlyle's *Cromwell's Letters and Speeches*, ii. p. 208.

² See *Causes of the Lord's Wrath*, which was published in connection with the Day of Humiliation for Dunbar, September 1650.

but it was evidently written at a time when there was urgent need of his services at home, and when it required great loyalty to the Covenant to offer them :—

‘ Because you desired me to be plain with you in this, and to communicate my mind, I will be free, that for my own part I desire not upon any terms to have command in my own country for many reasons. First, it is not, to me nor any man to carry himself so that he shall or can please all men, as is to be seen of those who have gone before me. Secondly, I have great ones to my enemies in that kingdom. Thirdly, his Majesty, with all reverence would see me hanged, and last of all, I can live abroad, and get preferment with honour. Yet for all this, they who have done so much for me, shall command me in that cause I have sworn to, in spite of all greatness, malice or whatsoever, to undergo anything for the maintenance of the *cause*, not doubting but God will give a blessing much beyond the expectation of all his enemies ; and that I should speak any more concerning myself in that particular, I will not, but refer myself to God and to my friends, knowing nothing can be done but at his pleasure.’¹

The serious and permanent rent which the demands of Warriston and Guthrie produced at this time in the ranks of the Covenant will be more fully narrated in the next chapter. Meantime, we are only concerned with its effect on the course of the English invasion. It was well known to Cromwell ; and he was hopeful that Warriston’s party would displace the party that was in power and become his allies. It was in the West that the strict Covenanters were strongest. There they had an army of 5000 men under the command of Colonels Strachan and Ker, who were both vehement Remonstrants. The Estates had to humour the Westland men and allow their army to act independently : they were too powerful a body to drive into revolt. There was a fear that they might go over to Cromwell, with whom they were at one in their antagonism to Charles and in their religious temperament. Indeed, they had given him the hint that if he would clear out of the country, they

¹ Hailes’ *Memorials*, ii. p. 138.

would see to it that the Scots would give no trouble to the Commonwealth. Here was a chance for Cromwell to secure the friendship of Scotland without further bloodshed, and he was not slow to take advantage of it. On 9th October he sent to the Estates another appeal for a pacification, despatching at the same time a copy to the Remonstrants, for whom evidently it was chiefly intended :—

‘The grounds and ends of the Army’s entering Scotland have been heretofore often and clearly made known to you : and how much we have desired the same might be accomplished without blood. But according to what returns we have received it is evident your hearts had not that love to us we can truly say we had to you. And we are persuaded the difficulties in which you have involved yourselves . . . and your strange prejudices against us as men of heretical opinions (which through the great goodness of God to us have been *unjustly charged upon us*) have occasioned your rejecting those overtures which, with a Christian affection, were offered to you before any blood was spilt, or your people had suffered damage by us. The daily sense we have of the calamity of war lying upon the poor people of this nation and the sad consequences of blood and famine likely to come upon them ; the advantage given to the Malignant party by the war ; and that reality of affection which we have so often professed for you, do again constrain us to send unto you to let you know that if the contending for that Person be not by you preferred to the peace and welfare of your country, the blood of your people, the love of men of the same faith with you, and (in this above all) the honour of the God we serve—then give the state of England that satisfaction and security for their peaceable and quiet living beside you, which may in justice be demanded from a nation giving so just ground to ask the same. . . . Do this and it will be made good to you that you may have a lasting and durable peace with them, and the wish of a blessing upon you in all religious and civil things.’¹

As soon as these letters had been sent off, Cromwell set out with his army to the West to establish, if possible, friendly relations with the Remonstrant army. As he

¹ Carlyle’s *Cromwell*, ii. 222.

approached Glasgow, a panic spread among the authorities, but with little cause, as Baillie's account of Cromwell's visit to the city at the time shows : 'The ministers and magistrates flee all away : I got to the isle of Cumbrae, but left all my family and goods to Cromwell's courtesy, which was great, for he took such a course with his soldiers that they did less displeasure than if they had been in London, though Mr. Zachary Boyd railed on them all to their very faces in the High Church.' Cromwell's stay in Glasgow was cut short by a rumour that the Western army had designs on Edinburgh, and he returned to the capital without having accomplished his object. The Remonstrants replied to his letter, but not in a very encouraging way. A second time he appealed to them, sending his letter on this occasion by the hands of two of his Dunbar prisoners — Provost Jaffray of Aberdeen and Carstares (one of the ministers of Glasgow, the father of Principal Carstares) — but again it was fruitless. The Remonstrants resolved, though not without a division of opinion, to fight for their own hands against the English ; but disaster soon overtook their army : under Colonel Ker it attacked a division of the English forces at Hamilton and was totally routed.

The party which was in power, and which, before the battle of Dunbar, had excluded the Malignants from the army, now made common cause with them and received them into their ranks. It was a relief to Cromwell to feel that he had now to carry on the war with those who were essentially opposed to him, and not with men for whom, however they might misunderstand his own spirit and aims, he had a sincere regard as brothers in Christ. His army renewed its activity, after a suspension of some months for the purpose of carrying on the negotiations with the Remonstrants. As Leslie was not to be drawn from his strong position in Stirling, Cromwell resolved to cross over to Fife and seize Perth, in order to cut off the enemy from his supplies in the north. The victory which his army won at Inverkeithing left the way clear. As soon, however, as this flank movement had been executed, the Scottish army,

with the King in its midst, quitted Stirling and marched for England, with what result we all know—the battle of Worcester, Cromwell's crowning mercy and Charles' finishing stroke.

Mr. W. S. Douglas, in his interesting work on *Cromwell's Scotch Campaigns*, seeks to fasten a charge on Warriston of playing the informer to the enemy in connection with two of the incidents of this period. The first occasion was when the Estates at Stirling had resolved to send a force to the West to bring the Remonstrants to a point and compel them to declare their real intentions; and the accusation is that Warriston communicated the contemplated movement of the main army to Cromwell, who, regarding it as about to be made for the purpose of effecting a conjunction with Strachan's force, immediately gave orders to his own army to march to the West, the result being the defeat of the Remonstrants in the fight at Hamilton. The charge has absolutely no foundation. There is no evidence—there is none even suggested—that Cromwell acted on such information. The conjecture is made solely on the ground that at a later period Warriston is alleged by the author to have been guilty of a similar breach of faith. Mr. Douglas introduces his second charge with a great flourish of trumpets. It is a damning accusation against a man for whom he has conceived a strong dislike; and he has the clearest possible proof of it! When he is done, he turns round triumphantly to his readers and asks in Carlyle's words—‘Alas, will any human soul ever again *love* poor Warriston?’ Unfortunately, however, for the accuser's enjoyment of his own performance, he had no sooner finished it than he was obliged by the discovery of fresh facts to append a note that has the effect of spoiling it. But it is ‘very hard,’ as he pathetically says, to sacrifice ‘a pet passage,’ and so he makes an attempt to rehabilitate his case by new and—it must be said—very flimsy evidence. This second charge of treachery against Warriston is that he informed Cromwell of the intention of the Scottish army to move from Stirling to raise the English siege of Blackness, and that acting on the warning, Cromwell frustrated

the movement. Now on what ground does this charge rest? There was a newspaper published in London and subsidised by the Government—the *Mercurius Politicus* (of which, by the way, Milton was for a time the official censor)—in which correspondence from Scotland, Ireland, and the Continent regularly appeared. In an Edinburgh letter of 1st April (1651) there is a reference to Warriston, who had just arrived in the city from Stirling, accompanied by his wife and family, on an official errand. He had been appointed Lord Clerk Register in March 1649, and he had come to Edinburgh at this time to get possession of the registers of the kingdom. The writer in the newspaper says: ‘I am confident his coming is no disadvantage to us, for our horse marched forward to Stirling the next morning; the last night about midnight the most part of the foot marched. And not without success, for this day I am assuredly informed that the enemy, 1600 horse and foot, are come over the water and are within view of Lithgow.’ Was not this very sinister? Of course it was. Warriston’s arrival in Edinburgh and the despatch of English troops were synchronous; was the correspondent of the London paper not making a shrewd guess when he suggested that the English took action on information communicated by Warriston? No doubt; but the shrewdest guesses are sometimes fallacious, and this is an instance. There was a traitor in the Scottish camp, and the traitor was a Johnston, but not our Johnston: and for putting us in the way of proof, we are indebted to Mr. Douglas himself in his retractive note. In Nicoll’s *Diary* (p. 52) there is the following entry, dated April 1651, on the first of which month Blackness fell: ‘sundrie . . . were taken and apprehendit and committit to prissoun for being upon the wicked Association in the west countrie, and for fomenting division in the Kirk and stait, and for favouring the enymie and complying with his courssis, and for advysing and geving counsell again the King and his honest wayis, namelie, Walter Young marchand, *Major Johnnestoun*, and William Downy, writer.’ In Lamont’s *Diary* (p. 31) there is the following entry: ‘1651, Jun. . . . The Commission

of the Kirk satt at Stirling, att which tyme Chancelour Campbell (Loudoun) was brought up before them and challenged for adulterie with ane *Major Jhonston's* wife, surnamed Lyndsay. (*This Jhonston was he that went in shortlie before to Cromwell, and reveilled (revealed) to him the purpose of a pairtie of our armie that went forth to beat up his quarters.*) How does Mr. Douglas get over evidence so fatal to his own indictment? He says: 'Against these *Diary* entries, however, there is to be set the fact that Balfour mentions (iv. p. 271) the forfeiture of a L. Colonell Johnston (whom we take to have been the Major) a clear week before Blackness surrendered. That fact goes to show that his guilt was incurred long ere the Blackness betrayal was committed, and therefore tends to throw the whole blame on Warriston.' Could anything be more inconclusive or unfair? Observe the assumptions of the parenthesis on the strength of which Mr. Douglas endeavours to shift the charge back again to Warriston—'*whom we take to have been the Major.*' Were *Johnstons* so scarce? Was the *L. Colonell* the *Major*? Was forfeiture the peculiar penalty of informing? Had Mr. Douglas considered his own reputation, the moment he discovered the entries in Nicoll's and Lamont's *Diarie*s, he should have excised the passage containing this charge, and many others of a like calumnious character which derive their only support from the author's assumption that he has brought *this* accusation home to Warriston. Mr. Douglas in a footnote seeks to strengthen his case by quoting some old wives' gossip regarding Warriston's friendship with the English; and adds, 'it is significant that he did not trust himself back among his countrymen for over a couple of months afterwards.' We should have thought that even a couple of months would not have been sufficient to obliterate the memory of his treason. But Warriston had the best of reasons for making so long a stay in Edinburgh. He had to superintend the recovery and transference to Stirling of the Registers of the kingdom, which were lying on board a leaking ship at Leith that had been captured by the English. It was a big job. When the same documents

were afterwards packed for conveyance from the Tower in London to Edinburgh, they filled 107 hogsheads, 12 chests or trunks, and 14 barrels ! As will be seen from the letter of Warriston that follows, Cromwell had given him a month for the purpose and he had to ask for an extension of the time. The letter is dated Edinburgh, 14th April (1651):—

‘ My Lord, on Saturday at night very laite I received your lo. letter with ane passe to my servant, whereanent I am ready to attend yr. lo., whensoever ye sall command or your leasur may permitt. Your lo. knows I am bot a servant to those who employes me, and so cannot without thear express warrand redelyver the passes which I delivered once to them anent the registeres ’t whereof the king, the parliament ’t the commission of the church hath keiped the principles and hath entrusted me only with some of them to be shewen to yr. Excellency for the recovery of the Registers, but if yr. lo. press it again I shall send it over ’t receave their directions, which is all yr. lo. knows a faithful servant entrusted by them con doe.

My lord, I hope your lo. will not restrict the former passes and far lesse to a moneth nixt following seing yr. lo. or any whom you shall appoint shall see me use all possible diligence (upon the coming of the clerks to know ’t receave every man his owne registers) to despatch them to the places whereunto they sall be appointed ; if on [one] week could do the business I should be very glad, if contrary winds ’t other necessary accidents (which will be seen to yr. lo. or in yr. absence to the Governors of Leith) shall any wayes retard or Imped, I am certainly persuaded yr. lo. in justice ’t equitie wold not suffer any advantage to be taken therefrom in a matter concerning publict records, which useth to be inviolable in all warres. The sooner that the ship be redelyvered she would be the sooner ready, for I hear thear is a laik struck up in hir ’t is not weel knownen whear it is ; yr. lo. be pleased to direct the governor of Leith to lett on of the Clerks who is in town goe see his owne that he may in the mean tyme be makeing them ready, and so the like to the rest as they shall come. I desir yr. lo. secretary may mend the passes by adding some other clerks’ names which he had forgotten ’t adding the alternative of one servant for every one of the clerks, because themselves, it may be, cannot come all over in regارد of the Parliament’s sitting down on Thursday next. So craveing pardon for troubling yr. Excell.

with so long a letter of so evil a hand 't being most willing to
attend yr. Excell. whensoever ye shall command me to clear
my simple meaning and plain way of dealing from all mistaiks
or objections.—I remain, yr. Excell. humble servant,

A. JHONSTON.

CHAPTER XVII

THE RESOLUTIONERS AND PROTESTERS: WARRISTON'S ADHESION TO CROMWELL

IN the last chapter we noticed the division that arose in the ranks of the Covenanters after Dunbar, in its effects on the military situation. The Remonstrant army was extinguished by the fight at Hamilton, but the strife between the two parties continued till the Restoration, and we have now to deal with their ecclesiastical and political disputes, and their respective relations to Cromwell's Government. It is not an attractive part of our history, and we shall not be tempted to linger upon it even by the fact that Warriston was much in it.

The Resolutioners or Ministerialists were for the King and Covenant: the Protesters or Opposition were for the Covenant, without the King. While the former retained the Covenant in their platform, it became a nullity when the King was Charles II. The latter, in excluding the King from their platform, were actuated by no anti-monarchical feeling, but only by their incurable distrust of Charles. The Resolutioners became inevitably the political allies of the Malignants, and were used by them for their own purposes: while they gave a passive obedience to Cromwell's Government they never concealed their love for the monarchy, and were as enthusiastic as the Royalists themselves over the Restoration, until they saw that the bishops were to come back with the King. The Protesters became as inevitably the political allies of Cromwell, though no more than in the case of the Resolutioners were their aims in full accord with his. They never plainly

declared their objective, but it appears to have been the setting up of a Commonwealth in Scotland, independent of the English Commonwealth but in friendly relations with it. Of course, such a Government in the divided state of the country was impossible—it could not have lived a day without the support of Cromwell's army. Ecclesiastically, the Protesters were no nearer the English 'Sectaries' than the Resolutioners, but they were nearer in spiritual affinity and religious temperament. When we remember that such men as David Dickson and Robert Blair were Resolutioners, we cannot fairly describe the two parties as the Moderates and Evangelicals of their day, but the parallel holds true to some extent. The Protesters were known as the 'godly' party: 'they were more strict and close in their outward walkings than the generality of the others,' so wrote one of Cromwell's officials to his Highness. They chiefly maintained the Evangelical succession in the Kirk; and it was their fervent preaching that kept alive among the Scottish people that love of the gospel which, in later generations, inspired the second Covenanting struggle, the Secession and the Disruption. The Resolutioners formed the majority of the Assembly and were a more homogeneous body than their opponents, who were divided and distracted by questions of conscience which did not trouble the others. The Protesters, however, were strong in the attachment of the people. A party which had at its head such men as James Guthrie, Samuel Rutherford, and Hugh Binning¹ could not but be powerful in the country. The stronghold of the Protesters was in the West—in the district which afterwards bore the brunt of persecution—and this fact is the best evidence of the real worth of the cause for which they stood.

Differences had existed among the Covenanters for some time before the disaster to their arms at Dunbar led them to hold the assize of conscience on their own conduct over which they split. There were many among them who had been greatly dissatisfied with the negotiations between the

¹ See Principal Lee's *History of the Church of Scotland*, ii. pp. 313, 314.

Estates and the King at the Hague and at Breda, and with the easy terms on which Charles had been received in the country. Nobody believed in the sincerity of his compliance with the Covenant; and the overwhelming defeat inflicted by the English army was generally regarded as a Divine judgment for the dishonour done to the Covenant by the acceptance of his light profession of it. While the Resolutioners, however, were willing to continue their support of Charles, in spite of their distrust of him in matters of religion, the Protesters insisted that the King should be put out of the quarrel with Cromwell, and that the war for the national defence should be prosecuted on a new platform, in which the religious side of the Covenant should have a sole place, and the political be altogether excluded.

On the 17th October (1650) a meeting of the stricter party was held at Dumfries, where Strachan's army was stationed at the time, when a Remonstrance against the policy of the Ministerialists, drawn up by Warriston, who was present, was submitted and adopted. Five days later the Remonstrance was laid before a Conference held at Stirling between the chief members of the Committee of Estates and the Commissioners of the Church. Warriston spoke strongly in its favour, and high words passed between him and Robert Douglas, who was the most influential minister of the Church and a keen Resolutioner. The Conference was resumed at Perth, where Warriston again was the spokesman of his party; but no agreement was come to. The Committee of Estates met, the King being present. Warriston, who was never awed by the presence of Royalty, whom indeed it rather provoked to his boldest in defence of the interests of the nation, when he believed them to be imperilled by the Crown, made the most passionate speech he had yet delivered in support of the Remonstrance; but he failed to carry the House, and the Remonstrance was condemned. The Commission of the Assembly was convened, when there was another hot discussion with the same result. The minority protested, and 'went out of the town highlie discontent.' Hugh

Binning expressed the common feeling of his brethren, when he declared, after the Commission broke up, that ‘it would approve nothing that wes right; that a hypocrite ought not to reign over us; that we ought to treat with Cromwell, and give him securtie not to trouble England with a king; and who marred this treatie—the blood of the slain in this quarrel should be on their head.’

The formal rupture between the two parties took place at the General Assembly held first of all in St. Andrews and then in Dundee in July 1651.¹ A ‘Resolution’ in support of the recommendations of the Commission to abolish the Act of Classes was carried in the Court, when the minority laid a protest on the table and withdrew from the House.

Warriston bore the brunt of the displeasure of the Ministerialists. They sought to get him excluded from the Committee of Estates; and they accused him of acts of treachery to the national defence on the shallowest grounds. When Dundas, for example, surrendered Edinburgh Castle, they blamed him in the matter; and for no better reason than that he had been responsible for Dundas’ appointment as Governor.

At the General Assembly of 1652, the minority were enjoined to withdraw their protest on pain of discipline. In the following year the Assembly, which met in Edinburgh in July, was summarily dissolved by Cromwell’s soldiery;² and the quarrel was left to be carried on in the subordinate courts of the Church, and in the country.

We cannot agree with those who regard the closure of the Assembly as an inexcusable act of despotism. Cromwell’s treatment of the Assembly had nothing in common with that of the two Stuarts, and leaves no stain on his government of Scotland, which from first to last, alike in matters civil, ecclesiastical, and juridical, was conspicuously

¹ The reason for the adjournment to Dundee was that the battle of Inverkeithing took place while the Assembly was sitting in St. Andrews; and in Dundee it would be more out of the way of the English army.

² See Baillie’s description of the scene, iii. p. 225.

fair. He is his own best vindicator. Let us hear him for himself. The speech I quote, though made in the English Parliament, applies to his Scottish as well as his English administration :—

‘Our practice . . . hath been to let all this nation see that whatever pretensions to religion would continue quiet, peaceable, they should enjoy conscience and liberty to themselves—and *not* to make religion a pretence for arms and blood. Truly we have suffered them and that cheerfully, so to enjoy their liberties. Whatever is contrary and not peaceable, let the pretence be never so specious, if it tend to combinations to interests and factions, we shall not care by the grace of God, *whom* we meet withal, though never so specious, if they be not quiet. . . . God give us heart and spirit to keep things equal. Which truly, I profess to you, hath been my temper. I have had some “boxes on the ears” and rebukes on the one hand ; and on the other some censuring me for Presbytery, others as an inletter to all the sects and heresies of the nation. I have borne my reproach, but I have, through God’s mercy, not been unhappy in hindering any one religion to impose upon another. . . . It is the civil magistrates’ real endeavour to keep all professing Christians in this relation to one another, not suffering any to say or do what will justly provoke the other. I think he that would have more liberty than this is not worthy of any.’¹

Cromwell’s act was justified by both parties in the Assembly itself. The Protesters came to the meeting resolved to challenge its lawfulness, and were glad when it was dissolved ; and in 1656 the Resolutioners instructed James Sharp, when he went to London as their agent, to beg the Protector not to call another Assembly while the Church remained in such a divided condition.

In the country, and especially, as we have said, in the West, the Protesters outrivelled the Resolutioners in winning the support of the people. Their ministers were for the most part distinguished by a quality which has never failed to win the hearts of Scottish Christians ; they were men of *unction* ; they were fervent preachers of the doctrines of

¹ Cromwell’s *Letters, etc.*, iii. p. 180.

grace. There were among them some—we have named them—who have never been surpassed in that respect in the history of the Scottish pulpit. The influence of the Protestant ministers was greatly augmented by a new method to which they resorted to extend the sphere of their labours. It was then those great sacramental gatherings began, which from this time onwards played such an important part in the religious life of Scotland, and in spite of all the blots that furnished so piquant a theme for Burns' satire in the 'Holy Fair,' did so much to nourish the piety of her people.

While the Protesters outdid the Resolutioners in attracting the people to their cause, they were not so successful in competing with them for the support of the English Government. By the year 1655 all but a few of the Resolutioner ministers acknowledged Cromwell: 'the King was forgot'; and Lord Broghill, the President of the Council, had made his administration popular. Neither party, it is true, with the convictions it held, could fall in cordially with Cromwell's rule; but each was anxious to have his patronage in maintaining itself against the other. Of the two, the Protesters gave his Government most trouble; the very thinness of their differences from him made his relations with them more difficult. Yet on the whole he favoured them most, though for a while his President, Broghill, showed himself more friendly to their rivals.

At this time the Scottish nation was like a building shattered to its foundations. The Church was a house divided against itself; and its nobility and statesmen were wrecked—'Dukes Hamilton, the ane execute, the other slain: . . . Huntlie execute: . . . Lennox living as a man buried: Argyle almost drowned with debt, in friendship with the English, but in hatred with the country: Chancellor Loudoun lives like an outlaw about Athole: . . . Marschell, Rothes, Eglinton and his three sonnes, Crawford, Lauderdale, and others prisoners in England: Balmerinoch suddenly dead: . . . Warriston haveing refounded much of what he got for places, lives privilie, in a hard enough condition, much hated by the most, and

neglected by all except the Remonstrants, to whom he was guide.¹

This dismal picture, however, does not present the whole truth in regard to the condition of Scotland under Cromwell's Government. If the authority of the Throne was in abeyance, if the nobles were all prostrate, if the supreme court of the Church was closed, if all the national institutions were upset, the country itself prospered and the people made no complaint. Never in her history was Scotland governed with such security to person and property; never was justice administered more impartially in her law courts. Trade flourished and money became more abundant. No Scottish administration was ever so liberal to the universities as Cromwell's.² As regards religion, Cromwell was the first ruler in our country who proposed to give a Government grant in aid of the work of evangelisation in the Highlands and Islands; and while the state of vital religion at the time among the people may have been coloured by some of our Church historians, we have good grounds for believing that instead of being a period of declension in this respect, it was one of growth and revival.

It will have been observed that Baillie, in the passage we have just quoted, makes a statement in regard to Warriston which seriously reflects on his character. He writes of him as having refunded much '*of what he got for places.*' Warriston had lost the Lord Clerk Registership with the fall of the Scottish State: in that office he had a great many subordinate offices in his gift; and the allegation is that he had accepted considerable sums of money from those on whom he had conferred them, and afterwards—when he saw he was to be deprived of the registership—paid back the money through fear of exposure. The same charge is made by Scot of Scotstarvit in his *Staggering State of Scottish Statesmen*, with the additional detail that Sir John Gibson, Warriston's cousin, and Mr. William Hay were two of those to whom places were sold, and that as

¹ Baillie, iii. p. 249.

² The Tower of King's College, Aberdeen, was erected in 1658 and named after Cromwell.

they were both Malignants and disqualified by the Acts of Classes for any office under the Crown, the offence was a double one. If we had only the authority of a writer with so loose and libellous a pen as Scot for the charge, we might dismiss it without any consideration. Nor would we pay much heed to similar allegations made by others who were equally embittered against Warriston. In a pamphlet printed in London in 1657, and entitled *A Lyvely Character of Some Pretending Grandees of Scotland to the Good Old Cause, Digested into Eight Queries*, he is accused of having, after his reappointment to the Lord Clerk Registership (on his joining, as we shall see he did join, Cromwell's Government), raised the charges for drawing out bonds, writs, and other legal deeds, and used his office to make his own kitchen 'smoak well.'¹ Baillie's repetition of the *fama*, however, cannot be lightly passed over, for, while it is only fair to Warriston to take into account the fact that his old friend and tutor, who was a strong Resolutioner, had become cool to him owing to the powerful support he was giving to the Protesters, Baillie was too honourable a man to give circulation to such an imputation had he not thought there was some good ground for it. There is one obvious difficulty in the way of accepting either his or Scot's version of the matter. If Warriston was so poor at the time as both say, how did he raise the money which he reimbursed? There we must leave the charge. If Warriston was guilty of the peculation, it is an instance, which is not uncommon, of a man lapsing in the very virtue in which he has shown special strength. His whole career up to this time had been singularly free from any mercenary and sordid taint.

The weary controversy within the Church grew the bitterer the longer it was continued. There were many efforts to reunite the two parties, but they were fruitless. A proposal on the part of the Protesters to set up, with the concurrence of the English, a body of twenty-four ministers and six elders—all members of their own party—as a Government for the Church greatly exasperated the Resolutioners and widened the breach. Another project of the Protesters of which

¹ See Nicoll's *Diary*, p. 237.

Warriston and Guthrie were the authors had the same effect. They proposed a new Covenant, omitting all the articles in former covenants relating to the King and the Parliament, to the liberties of the realm and the national defence. The Resolutioners regarded this as a device to enable their rivals to lord it over themselves by help of the English. It was favoured by Monk, Cromwell's lieutenant-general, who was brought by it into intimate relations with its authors. There was evidently a growing approximation between their party and the 'Sectaries,' and Baillie taunts the Protestant ministers on the score that they 'made no bones to pray with the English.'¹

In the autumn of 1656 the negotiations which each party made to obtain the favour of the Government in securing its own paramountcy were transferred to London. Up to this time neither had gained any very decided advantage: at the most the Protesters had succeeded in ejecting one or two Resolutioner ministers from their parishes and supplying their places with others of their own section of the Church. Latterly, however, through Broghill's adverse influence, and in spite of Monk's goodwill, they had rather been losing ground at the headquarters of the Government. Both parties had been invited more than once by Cromwell to send representatives to arrange with himself a settlement of the controversy, but they had hitherto declined: it was against the grain of Scottish Churchmen to recognise the right of the Government to interfere in the internal affairs of the Church. At last, however, they yielded to the Protector's wishes. The settlement the Protesters were to seek was the appointment of two Government Commissions—one for the administration of the revenues of the Church in accordance with the Acts of the Assembly and the laws of the realm previous to the split, the other for the purpose of 'planting and purging' the parishes and composing differences in the synods and presbyteries. They were to propose that the first should be constituted by members chosen as the wisdom of the Government might decide, and

¹ Baillie, iii. p. 321.

that the second should consist of an equal number of Resolutioners and Protesters. The settlement which their rivals were to aim at was a return to the constitutional administration of the Church—*minus*, meanwhile at least, the General Assembly. Of course, with their large majority, this arrangement would have put their party in a position in which they would have had the Protesters entirely in their power. James Sharp was employed as the agent for the Resolutioners in London; and Warriston and Patrick Gillespie were employed for the Protesters. Letters were sent with Sharp to influential Presbyterians in London—to Ashe and Calamy and Rous—begging them to advocate the cause of the Resolutioners at headquarters; while the Protesters sought to interest on their side the leading Independents, such as Caryll and Owen, Lambert, and Cromwell's son-in-law, Fleetwood. Sharp sent home a very self-satisfied account of the negotiations in London: he had been honoured with a personal interview by the Protector, who had promised to do nothing to the Resolutioners' prejudice, and in dismissing him asked to be commended to the leading members of the party. The truth seems to be that Cromwell did nothing in the way of healing the breach, or even attempting to heal it, but left it to the two parties to compose their own differences.

While Warriston was in London on this business, suspicion was thrown upon him of having attempted to injure his friend Baillie with the Lord Protector. The rumour of it reached Baillie in the following letter, from Patrick Colville, dated Hasilhead, 5th March 1657:—

'Your old friend, my Lord Warristoun, did in that conference before the Protector affirme (while he was speaking of the evil effects of the Resolutioners) that there was one of the Resolutioners who in the last conference for union said, that the reason why he stuck so close to the Resolutioners was that he might keep himself in a capacity to act for the King when opportunities should offer; and when it was answered by Sharp—that he hoped it would not be made good—in his reply he corrected himself and said it was spoken privately and not publicly. I was fearing by what I have heard of late, you may be the man that Warristoune did mean.'

Four days after the date of Colville's letter, Baillie wrote to Sharp :—

' You see the enclosed [Colville's letter] that his [Warriston's] profession to me constantly since he was a child and my scholler was of so great friendship, and that such past offices of uninterrupted kindness had all wayes past mutually betwixt us. That I could never have thought that for any cause whatsoever he would have spoken of me to any living, much less before the Protector, words which tended so exceedingly to my hurt, without the least signification even to myself directly or indirectly that he harboured any such thoughts of me, surely if any other man's rashness (for malice, I know no man living that professes to have it, at me) had brought me to any trouble either for my words or deeds, I would have addressed myself to none sooner than my Lord Warriston for his counsel and assistance ; as he may remember in his late distresses I had been one of his fastest friends.'

On 21st March, Sharp replied from London as follows :—

' If the Lord Warriston did mean you, I think he hath dealt injuriously with you upon many accounts ; but he did not name you then neither have I since heard by any in this place that you were the man he aimed at.'

We need not add another word to dispose of this calumny.

Warriston's visit to London in the interests of the Protesters was destined to have an important influence on his own public career. Before leaving Edinburgh on his mission he had expressed a fear that he might be offered place under the Protector and tempted for the sake of the emoluments to accept it, as he was in pecuniary straits and had a large family to support. What he feared happened. During his visits to the Court overtures were made to him by Cromwell which resulted in his joining his Government ; and he was reappointed Lord Clerk Register in July 1657. It was not in Scotland, however, but in England and at Westminster that he was henceforth to take most part in public affairs. He was a member of every Administration by which the Commonwealth was governed from this time on to the Restoration. When Cromwell, in the second session of his

last Parliament—20th January to 4th February 1658—made the experiment of a second House, Warriston was one of the sixty-three who constituted it. There were other two Scots in the number, viz., the Earl of Cassilis and Sir William Lockhart. The session only lasted for sixteen days, and the peers had nothing to do. It was very largely the Commons' jealousy of the second House that caused the breach between them and Cromwell, and that led him to dissolve the Parliament so soon after it had reassembled. In Richard Cromwell's Parliament—27th January to 4th February 1659—Warriston continued to sit among the Lords. When Richard Cromwell abdicated and an Administration formed by a coalition between the old Republican party and the Rump came into power, Warriston, through the influence of Sir Harry Vane, became one of the Non-Parliamentary members of the Executive, having as his colleagues, among others, Vane, Ludlow, Fleetwood, Lambert, Desborough, Whitlocke, Lord Fairfax, and John Bradshaw. He was one of the most influential of the body, and took the chair alternately with Whitlocke and Vane. The Administration continued in power for five months, and was succeeded by another formed by the Army or Wallingford House party. The old Executive, however, was retained, its name being changed to 'the Committee of Public Safety.' It was reduced from thirty-one to twenty-three members, and Warriston continued to hold a place in it. The Wallingford House Government was displaced by the return of the Rump once more, 26th December 1659, when several of the members of the Executive were censured and condemned to exclusion from public life. Warriston, though one of the most prominent, somehow escaped this penalty. Before other two months were over, Monk's march on London put an end to the Commonwealth.

We have seen the singular disclosure Warriston gave of his state of mind on the eve of his London mission. His conscience was ill at ease; he felt that he was about to expose himself to a temptation which would prove too strong. We shall see that in his last hours he reproached himself for his compliance with Cromwell, and referred to

his having seriously blamed others for doing the same thing before him as an aggravation of his conduct. But for his own testimony we should never have suspected that his part in the service of the Commonwealth was in any way uncongenial to him; he might have been as convinced a republican as any of his colleagues. And had he not taken blame to himself for this part of his career, no historian could have suggested it. Politically, he was much nearer Cromwell's type of republicanism than Charles' type of monarchy; and in religion there was the closest sympathy between Warriston and the Protector. It was only on ecclesiastical matters they were divided: and it was Warriston's rigorous Presbyterianism that made his compliance with Cromwell's Government weigh so heavily on his conscience. With his own confession before us, we cannot exonerate him from moral fault. But had he only done what he did with a clear conscience, we should only have the more admired him for his adhesion to the Government of one who had purchased so good a right to rule England and in whose hands the liberties of the United Kingdom were so safe.

CHAPTER XVIII

THE RESTORATION : WARRISTON'S DEATH

THE jubilations which accompanied the Restoration were hardly over when both kingdoms began to pay the price of their 'return to foolishness'; and Scotland's share was heavy. On 1st July 1660, Argyle, who had gone up to London to congratulate Charles, was committed to the Tower, to leave it only for the scaffold. On the 14th of the same month instructions were received by the authorities in Edinburgh to arrest Sir James Stewart, the Lord Provost, Chiesley of Kerswall, and Warriston. The first two were immediately apprehended; but on the day on which the warrant arrived Warriston happened to be in the country; and as he was returning in the evening, a friend met him at the outskirts of the city and informed him of his danger, when he at once turned his horse's head and made his escape. He was diligently searched for by the officers of the Government—troops were sent out in all directions—but he eluded them and got away from the country. His escape caused much annoyance to the King, who had more vindictiveness towards him than towards any other of the Covenanting leaders, on account not only of Warriston's uncompromising opposition to his father's government and his own, but also—and much more, it was believed—because of the boldness with which the stern and outspoken lawyer had reproved him for his personal vices.¹ Warriston was summoned to surrender himself to justice, and on 16th July a proclamation was made by tuck of drum, offering a reward for his capture.

¹ See Wodrow's *Analecta*, ii. p. 145.

On 10th October a writ of fugitation was issued against him. In the following year he was tried in his absence for treason. The indictment in effect was that he had been 'airt and pairt' in all the seditious acts of the King's Scottish subjects during the present and the previous reign; that he had opposed the terms on which Charles was received in Scotland in 1650; and that he had complied with Cromwell. He was condemned, his offices were declared vacant, and his estates forfeited; and the sentence of death was pronounced against him.¹ The trial and condemnation were proclaimed at the Cross, 13th May (1661), when the heralds 'rave asunder his airms and trampled them under their feet and kuist [cast] a number of thame over the croce and affixt ane of thame upon the height of the great stane to remain there to the publict view of all the beholders. Thir airms were croced backward, his head being put downmost, and his feet upmost.'²

Warriston, on leaving the country, fled to Holland, and thence to Germany. He spent most of his time of exile in the city of Hamburg. While residing there he had an illness for which he was treated by a Dr. Bates, one of the Court physicians, and it was said that he met with foul play at his hands. The specific allegation was that he was purposely over-bled to such an extent that his constitution was shattered. In his speech on the scaffold Warriston spoke of his memory having been 'much destroyed' by 'excessive drawing of blood,' among other causes, but made no imputation of the kind we have mentioned. After spending two years in Holland and Germany he went incautiously to France, where he was joined by his wife. Lady Johnston had petitioned the King to grant a pardon to her husband for the sake of their twelve children, but in supplicating Charles' pity she had 'sought grace from a graceless face'; and when the petition was refused she resolved to share her husband's exile, for at least a little while. The King, suspecting that a Major Johnston knew where the two had appointed to meet on the Continent,

¹ *Acts of Parliament*, vii. Appendix, 7-11.

² Nicoll's *Diary*, p. 232.

had him arrested and thrown into prison till he should inform. The Major, it was said, took fever through the treatment he received, and died of it. One of those base creatures whom Charles could always lay hands upon for the vilest services—Alexander Murray, commonly called ‘Crooked Murray’—was employed as a detective; and by tracking Lady Johnston’s movements he discovered Warriston at Rouen. Murray, who carried in his hand a commission from Charles, and who had applied to the French king for a writ of extradition, entered the refugee’s lodgings and seized him when he was at his devotions. Warriston was brought across the Channel and consigned to the Tower in January 1663. He lay there for six months, his imprisonment being shared and solaced through permission of the Government by his fourth daughter, Margaret, who was only a girl at the time. In the month of June he was brought down to Edinburgh to undergo the sentence pronounced against him in 1661. Parliament was sitting, and the Government was anxious to carry out the execution at a season so favourable for impressing the public mind with the terrors of the law, and emphasising the punishment of so notorious an enemy of the King. It was on 8th June that the prisoner landed at Leith; and in accordance with arrangements made at a meeting of the Council a few days before, he was made to walk to the city, bareheaded, between guards; and confined in the Tolbooth. On 8th July he was brought to the bar of Parliament to have his sentence confirmed. All who saw him were shocked at the change in his appearance and bearing. No one in that House where for so many years he had been a leading figure had ever had cause to pity Warriston before. As he had risen to address it, he had compelled it to listen by his powerful reasoning and trenchant speech. Many a time had he made the King and the courtiers cower under his invective. But now as he stood before the House so enfeebled that when he attempted to speak, he showed no flickering even of his native fire, there were few who were not touched with compassion, and it was left only to the bishops to insult him by the expression of their pleasure in his humilia-

tion. Lauderdale behaved with characteristic baseness on this occasion, when his old comrade in the Covenant stood waiting his sentence. A disposition having been shown by many to delay the execution, he rose—in accordance, as all knew, with the wishes of the King—to insist on its being carried out at once. The House gave way, and it was fixed for 22nd July.

While he lay in the Tolbooth awaiting his death, Warriston's relatives and friends were allowed to visit him. They found him in a calm frame, his greatest concern being that he might have 'a gracious through-bearing,' and not 'faint in the hour of trial.' The nearer he drew to his end, he grew the more tranquil. His friend Kirkton visited him the night before his execution, when he said to him, 'I dare never question my salvation. I have so often seen God's face in the hour of prayer.' That night he 'slept very sweetly,' and when the morning came it found him still peaceful, and he spoke with assurance of his being 'clothed in a long white robe before night.' 'Abba, Father!' was his constant ejaculation. At two o'clock he was taken from prison and conducted by his *via dolorosa*—it was only a few steps—to the Mercat Cross, where the gallows—an unusually high one, to be in keeping with the offences to be expiated upon it—was erected. Around the Cross were stationed the King's mounted guards, armed with carbines, and with their swords drawn; and the city guard with their colours displayed. What an irony there is in the life of man! Warriston's town residence stood just on the opposite side of the High Street from the Cross; every day for many years he had looked unconcernedly on the spot to which he was now led forth to so awful a death; the *previous* shadow of that dread morning had perhaps never once fallen on his spirit. On his way to the Cross he often turned to the people and asked their prayers. When the scaffold was reached, he begged the crowd to quiet itself and listen to his last words; and then he read in a clear voice his dying testimony, addressing it first to those assembled on the north side of the Cross, and then to those on the south side. When he had finished, he prayed with

great fervour, deplored his unworthiness. He then took farewell of his friends, and once more prayed in an ecstasy. At the head of the ladder, up whose steps he had to be supported by one or two of his faithful friends, he cried with a loud voice, ‘I beseech you all who are the people of God not to scar at sufferings for the interests of Christ, or stumble at anything of this kind falling out in those days, but be encouraged to suffer for Him: for I assure you, in the name of the Lord, He will bear your charges.’ The moment after he was heard to say, ‘The Lord hath graciously comforted me.’ Then, asking the executioner if he was ready, he gave the signal, crying out, ‘Oh, pray, pray, praise, praise!’ He died with little struggle, and with his hands uplifted to Heaven.

Warriston’s speech on the scaffold¹ is the best revelation of his character and summing up of the aims and spirit of his life. He had prepared a more elaborate testimony during his exile, in view of his probably falling a victim in the end to the vengeance of the King, but it had been seized by the Government after his apprehension. That which he actually gave had been written in prison, and it is pathetic to read his apology in the opening sentences for making it ‘so weak and short.’ It needed none; we can discern in it no hint of that decay of his mental force which he was said to have shown when he stood at the bar of Parliament; and there was in it such a moral elevation, such a manly declaration of his unrepentant devotion to the Covenant, such a frank acknowledgment of the faults of which he was conscious in his character and career, such real flashes of the patriot’s heart, such a tenderness to his wife and children whom he was leaving to face the storms of life ‘unsheltered and alone,’ such firmness of trust in God, and such a confidence in the resurgence of the Cause for which he was resigning his life, as showed him to be a man of most noble nature and entitled him to be remembered by the Scottish nation as one of its truest patriots, and by the Scottish Church as one of its most faithful martyrs.

¹ See *The Last Speeches and Testimonies*, at the end of *Naphtali*.

Warriston's body was laid in Greyfriars Churchyard. His head was struck off and hung up at the Netherbow beside James Guthrie's, but on the intercession of a friend at Court, it was after a short while taken down and buried with his other dust in the graveyard which, during the next quarter of a century, became the most sacred ground in Scotland.

Of the children of Warriston who survived their father, we know of nine—two sons and seven daughters. With the exception of the elder son, Alexander, they proved themselves worthy of the name they bore. Alexander was bred as a lawyer, but made his living for a while by dealing in Exchequer bills, and then found employment in the secret service of King William's Government. In Brodie's *Diary* there is the following entry regarding him: '1671, Nov. 17th. I heard that Alexander, Warriston's son, had brok and through cheating, lying, wrong ways. My brother and others had suffered much by him.' The younger son, James—born 9th September 1655, died 13th March 1744—had a distinguished career. He was educated in Holland, and won great reputation, while studying at Utrecht, for his knowledge of civil law. Through the influence of his cousin, Bishop Burnet, he obtained office under the Government. He was Secretary of State for Scotland from 1692 to 1696; and in 1704–1705 he filled, like his father, the office of Lord Clerk Register. When he retired, he lived at Twickenham in quite a courtly way; he had often the Prime Minister, Sir Robert Walpole, as his guest, and the King himself (George II.) sometimes honoured his table by his presence. He had many of his father's traits of character. He had the same sincerity and the same hot and eager temper, and apparently, also, the same *sang froid* in the presence of Royalty, for it was said that his manners were too free for the taste at least of one of the sovereigns he served—William III. On the other hand, he was a favourite of Queen Caroline, who liked his humour and pleasantry. In respect of these he was not his father's son.

The daughters of the family were, Elizabeth, who was

married twice ; first to Thomas, eldest son of her father's friend, Sir Adam Hepburn of Humbie, and next to General William Drummond of Cromlix, created Viscount Strathallan in 1686 (seven years after her death) ; Rachel, who became the wife of Robert Baillie of Jerviswood ; Helen, who married (in 1659) George Home of Graden, in the parish of Earlston, Berwickshire ; Margaret, who was married twice, first to Sir John Wemyss of Bogie, and then to Mr. Benjamin Bressey ; Janet, married to Sir Alexander Mackenzie of Coul ; another, whose name we do not know, who became the wife of Mr. Roderick Mackenzie ; and Euphan, who died unmarried May 1715.

We have mentioned the fact that Helen Johnston, Lady Graden, attended Jerviswood when he suffered the penalty of death on the charge, utterly false, of his complicity in the Rye House Plot. For six months before, he lay a prisoner in the Tolbooth, prostrated with sickness, and during nearly the whole of that time Lady Graden shared his imprisonment, tending him with the most sisterly affection, and consoling him by the reading of the Word of God and her own devout conversation. On the day of his trial (23rd December 1684), which lasted from ten o'clock in the forenoon to one o'clock next morning, she sat beside him in the dock. During the few hours that intervened between the sentence and its execution, she continued with him in the prison ; she followed him to the scaffold, and strengthened him by whispered words of faith up to the last moment ; and when all was over she still remained till the last barbarous indignities, prescribed by the sentence, were done upon the corpse—till it was 'cut in coupons' and these were 'oyled and tarred'—when she took the limbs and wrapped them up in a linen cloth for brief burial in the 'thieves' hole' before they were distributed to the different public places where they were to be exposed. Is it those who endure such a death or those who convoy others through it, who most claim our pity and our admiration ? That Warriston was the father of such a daughter—for it was a spiritual as well as a natural paternity—is surely an additional ground for honouring his memory.

Lady Graden and her husband were both staunch Covenanters. In 1678, Home was seized at Crookham, a village on the Border, by a party of English soldiers who were in search of Covenanters who had sought refuge in Northumberland, and carried as a prisoner to Hume Castle. In the following year he fought at Bothwell Bridge ; and in the same year, in the month of October, he died. From the Report of the Committee for Public Affairs presented to the Council on 10th September 1684, we learn that Lady Graden was fined in over twenty-six thousand pounds Scots for nonconformity, by Henry Ker, the Sheriff of Teviotdale. The fine was so excessive that it was apparently inflicted not merely because of the personal offence she had given to the Government, but because she was Warriston's daughter and Home's widow and Jerviswood's sister-in-law !

Margaret Johnston was her father's companion, as we have mentioned, while he was a prisoner in the Tower. In 1674 she was brought before the Council and imprisoned along with other Covenanting ladies for presenting a petition for liberty to their ministers to conduct the worship of their people in accordance with their own forms. The petitioners were brought up before the Council a second time, and banished from the city.

The fact that so many of Warriston's children followed in his steps and suffered for the cause for which he gave his life is a great testimony to his sincerity ; for if a man's interior life be not in accordance with the lofty principles which he professes, nothing is more sure than that those who see him in his freest and most spontaneous moments will be cooled towards these principles.

We have closed our sketch of Warriston's career. We have little difficulty in getting behind the work of his life to its inward quality. His character needs no elucidation. Among his contemporaries and allies there were men who were the opposite, whose character was in a greater or less degree enigmatical, whose conduct often perplexes us in seeking to come to a fair judgment regarding them. Warriston always bore his purpose

on the front and never wore a mask. He was one of those

‘Whose acts, words and pretence
Have all one sense.’

His life was remarkable for the passion that filled it ; wherever he went he carried his entire self. He had a prodigious physical energy—he could do with three hours' sleep out of the twenty-four. His intellectual vigour is apparent in all his speeches and papers ; he always struck straight to the heart of a question ; he knew how to fasten his nails surely. He was over hot, as he himself acknowledges, in public discussion, which made him an irritating speaker to his opponents. In his eagerness he often outran the object he was pursuing and so missed it. He never gloved his hand when he struck. ‘He was a man,’ says one who knew him well, ‘who used argument rather than compliment.’ We have referred to his want of humour. Many a man to whom life was as serious and who had as keen a spirit has been able through this saving grace to alleviate the pain of controversy both to himself and to his opponents ; but Warriston had it not. His hours of toil and public care were never ‘interlaced’ like Andrew Melville’s by ‘merry interludes’ ; nor can we imagine him broaching his hogs-head of wine like Knox on one of the last days of his life, and encouraging the hilarity of his guests. He had little private life—his public work was all-absorbing. Like most leaders in a great struggle, he was solitary even among those who fought in his own ranks.

The deepest springs of his life Warriston has unveiled to us in his dying testimony. There were some prominent men among the Covenanters between whose character and the cause in which they were enlisted there was great incongruity. But so it was not with Warriston. He might have used of himself the words of Oliver Cromwell in regard to the motives impelling him in public labours : ‘Truly no poor creature hath more cause to put himself forward in the cause of God than I. I have had plentiful wages before hand ; and I am sure I shall never earn the least mite.’¹

¹ Carlyle’s *Cromwell*, i. p. 179.

Warriston meant the same thing when he spoke in his last confession of the grace of God as *engraven* on his conscience and his heart. There was no one among all the reverend men in the Assemblies where he was so familiar a figure of whose piety his brethren were more assured than the keen lawyer who sat in the Clerk's chair. Even at a time in Scotland when men who habitually secluded themselves for a portion of every day for the exercises of the spiritual life were not scarce, Warriston was singular for the hours he passed in his closet with the door shut. 'He spent more time in reading, meditation, and prayer than any man I ever knew,' was Kirkton's testimony. There were many stories current among his intimates of the extraordinary length of his private devotions and of his obliviousness at those times to all that was going on around him. When Jerviswood was on his way to the scaffold, as he passed Warriston's house he looked up to one of the rooms and turning to Lady Graden, who accompanied him, said, 'Many a sweet day and night with God had your now glorified father in that chamber.' He needed many orisons—he needed to be 'very sure of God'—to live the life he lived, and to die his death. And when we turn from these testimonies to the involuntary self-revelation which like every man he gave in his doings, we have, I think, the best confession of all that his life had its sources in the convictions and inspirations of the Christian Faith.

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